

**REPORT
OF THE
WORKING GROUP
ON
PRISONS IN THE COUNTRY**



**MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA**

CONTENTS

<u>Chapter</u>		
	<u>Page</u>	
PREFACE	ii	
I. A REVIEW OF PRISON REFORMS IN INDIA	1	
II. AN ANALYSIS OF PRISONS AND PRISONERS IN ONE DECADE (1961-70).	11	
III. NATIONAL POLICY ON PRISONS.	19	
IV. ALTERNATIVES TO IMPRISONMENT AND LEGISLATION EFFECTING PRISONS.	25	
V. DEPARTMENTAL ORGANISATION AND COORDINATION.	42	
VI. INTERNAL ADMINISTRATION IN PRISONS.	61	
VII. RECRUITMENT AND TRAINING OF PRISON PERSONNEL.	77	
VIII. SERVICE CONDITIONS OF PRISON PERSONNEL.	96	
IX. CLASSIFICATION OF PRISONERS AND DIVERSIFICATION OF INSTITUTIONS.	106	
X. TREATMENT SERVICES AND WORK PROGRAMMES IN PRISONS.	112	
XI. REVIEW OF SENTENCES, PREMATURE RELEASE AND AFTER-CARE.	129	
XII. PRISON ARCHITECTURE AND BUILDINGS.	137	
XIII. ORDER OF PRIORITIES FOR PRISON DEVELOPMENT SCHEMES.	143	
XIV. SUMMARY OF RECOMMENDATIONS.	147	
<u>Appendix</u>		
I. Ministry of Home Affairs letter No. 3/46/72-GPA.II dated the 18th October, 1972. (Preface, Para 1)	219	
II. Ministry of Home Affairs letter No. 3/46/72-GPA.II dated the 8th December, 1972. (Preface, Para 1)	221	
III. Ministry of Home Affairs letter No. 3/46/72-GPA.II dated the 4th January, 1973. (Preface, Para 1)	222	
IV. Interim Report. (Preface, Para 6)	224	
V. Ministry of Home Affairs Circular letter No.5/3/60-P.IV dated the 18th May, 1964. (Chapter I, Para 1.3.4)	235	
VI. Ministry of Home Affairs Circular letter No.F.3447/70-GPA.II dated the 31st July, 1970. (Chapter XI, Para 11.3.3)	249	

PREFACE

The Government of India constituted a Working Group to examine measures for streamlining and improving the jail administration and conditions of living in the prisons vide the Ministry of Home Affairs letter No. 3/46/72-GPA.II dated the 18th October, 1972 (Appendix I). I was appointed as Chairman of the Working Group vide the Ministry of Home Affairs letter No. 3/46/72-GPA.II dated the 8th December, 1972 (Appendix II). The Inspectors General of Prisons of seven States and two experts were co-opted as members of the Group vide the Ministry of Home Affairs letter No. 3/46/72-GPA.II dated the 4th January, 1973 (Appendix III). On the retirement/transfer of some of the original members of the Group, their successors were appointed to take their places from time to time. The members of the Working Group have been as indicated below:-

सत्यमेव जयते

Members: 1. Shri K. Sivaramakrishnan, Inspector General of Prisons, Government of Maharashtra, Poona, who was succeeded by Shri L.T. Blake with effect from 20.5.73.

2. Shri D.C. Mookerjee, Inspector General of Prisons, Government of West Bengal, Calcutta.
3. Shri S.C. Goil, Inspector General of Prisons, Government of Uttar Pradesh, Lucknow.

Co-opted

Members:

4. Shri J.J. Panakal, Head, Department of Criminology and Correctional Administration, Tata Institute of Social Sciences, Bombay.
5. Shri D.J. Jadhav, Director, Social Welfare, Government of Maharashtra, Poona.

6. Shri P. Kuppuswamy, Inspector General of Prisons, Tamil Nadu, Madras, who was succeeded by Shri S.M. Iqaz with effect from 7.3.73.
7. Shri P. Gopala Menon, Inspector General of Prisons, Kerala, Trivandrum.
8. Shri C.B. Patil, Inspector General of Prisons, Andhra Pradesh, Hyderabad, who was succeeded by Shri K.L.K. Reddy with effect from 7.3.73.
9. Shri R.P. Puri, Inspector General of Prisons, Punjab, Chandigarh, who was succeeded by Shri Prakash Chand with effect from 24.9.73.
10. Shri A.S. Renawat, Inspector General of Prisons, Rajasthan, Jaipur, who was succeeded by Shri Veer Singh with effect from 24.9.73.
11. Shri R.K. Srivastava, Inspector General of Prisons, Bihar, Patna, who was succeeded by Shri A.K. Bose with effect from 8.3.73.
12. Dr. N. Mohanty, Inspector General of Prisons, Orissa, Bhubaneshwar.

Convener/

Secretary: Dr. (Smt.) Jyotsna H. Shah, Director, Central Bureau of Correctional Services, and Adviser, Prisons, Government of India, New Delhi.

2. The terms of reference of the Working Group are as follows:-

- (i) To examine the physical and administrative conditions of the jails and to suggest ways and means of improving them.
- (ii) To lay down standards in respect of different services and facilities in the jails.
- (iii) To examine the position in respect of the existing prison accommodation and lay down guidelines for construction of new prison buildings.
- (iv) To analyse the factors hampering the growth

of prison development and formulate training programmes for the prison staff.

(v) To lay down an order of priorities for the prison development schemes.

(vi) To suggest ways and means for incorporating the principles of reformation and resettlement of the criminals in the system of administration of the jails and the treatment of the criminals.

(vii) To consider other allied matters concerning prisons and prisoners.

Meetings

3. The first meeting of the Group was held in New Delhi on the 23rd and 24th November, 1972. Ten more meetings were held thereafter in different places in the country. Shri P. Gopala Menon, Inspector General of Prisons, Kerala could not attend any meeting. Dr. N. Mohanty attended only one meeting, before he retired in March 1973. The members from Punjab and Andhra Pradesh could attend only two and four meetings respectively. The other members attended practically all the meetings.

Visits to Institutions

4. We visited the following institutions during the course of our deliberations:-

- (1) Central Prison, Jaipur
- (2) Open Air Jail, Sanganer, Jaipur.
- (3) Open Air Jail, Durgapura, Jaipur.

- (4) Yervada Central Prison, Poona.
- (5) Yervada Industrial School, Poona.
- (6) Mahatma Gandhi Training Institute of Social Welfare Administration, Poona.
- (7) Jail Officers' Training School, Poona.
- (8) Central Prison, Madras.
- (9) After-care Home, Pallavaram, Madras.
- (10) Senior Approved School for Juveniles, Chingleput
- (11) Madras School of Social Work.
- (12) Seva Samajam Institution at Madras.
- (13) Tihar Central Prison, New Delhi.

Information from other Sources

5. We were not required to and did not examine any witnesses or collect information through a Questionnaire. However, the Central Bureau of Correctional Services collected a good deal of information for us from the Inspectors General of Prisons of the States and Union Territories and also supplied some other useful material for our information.

Interim Report

6. As desired by the Ministry of Home Affairs, we submitted an interim Report on the 5th February, 1973 highlighting the areas which required immediate attention and allocation of funds to enable the Ministry of Home Affairs to examine the question of some aspects of the prison administration to be included in the last year of the Fourth Plan and the Fifth Five Year Plan. A copy of the Interim Report forms Appendix IV to this report.

Final Report

7. Our terms of reference cover a very wide range.

As noted in Chapter I, the problems of the prison administration have received detailed consideration by a number of Committees during the last 50 years and a Model Prison Manual was drawn up by the All India Jail Manual Committee in 1959, which contains detailed recommendations on every aspect of the prison administration. We are in broad agreement with these recommendations and have, therefore, not considered it necessary to go into the details of the various matters that we were called upon to examine. We have confined ourselves largely to major issues and questions of principle. We adopted a pragmatic approach to our task with a keen appreciation of the many demands on the country's resources. Our endeavour has been to draw up a set of recommendations which will not only streamline and improve the prison administration but also transform the prisons from purely custodial institutions into centres of reform and rehabilitation. We believe that our recommendations are practical and that, viewed as a whole, they can be implemented with very modest financial investments. As desired by our terms of reference, we have endeavoured to lay down an order of priorities for prison development schemes in our penultimate Chapter. We have also provided a summary of our recommendations at the end of our report.

3. It has been a special feature of the function-

ing of this Group that some of the members have rendered very active assistance in the drafting of some portions of our report. I am particularly grateful to Sarvashri S.C. Goil, S.M. Diaz, D.J. Jadhav, J.J. Panakal, D.C. Mookerjee, L.T. Blake and K.L.N. Reddy in this respect. I have to thank Dr. (Smt.) Jyotsna Shah, who helped in the drafting of the report, provided all necessary information and reference material and was very helpful in the meetings of the Group.

9. We did not have the facility of any whole-time secretarial assistance. All our work of this kind has been handled by the staff of the Central Bureau of Correctional Services and the Bureau of Police Research & Development. I am particularly thankful to Sarvashri S.K. Bhattacharyya, M.K. Monga, P.S. Bhatia and L.R. Girotra of the Central Bureau of Correctional Services and Sarvashri T.V. Sankaran and R. Sankaranarayanan of the Bureau of Police Research & Development in this respect.

10. It is our fervent hope that this report may help our Governments to usher in a new dawn in the prison administration of the country.

NEW DELHI,
November 30, 1973.

(A. GUPTA)
CHAIRMAN

A REVIEW OF PRISON REFORMS IN INDIA

1.1.1. The prison administration in the country is generally in a depressing state. Most prison buildings are very old and ill-equipped and many prisons are heavily overcrowded. Convicts and undertrials are lodged in the same institutions throughout the country. Adults, adolescents, juveniles, women and lunatics are also generally confined in common institutions and there is a serious lack of separate institutions for these various categories of prisoners. Partly due to this reason and partly due to the fact that service of specialists have not been mobilised, we did not find any evidence of any effort for the individual treatment of offenders. Indeed, the work programmes in prisons have little relationship with the needs of the different categories of prisoners. Prison industries and agriculture are run on out-moded lines and are still following the patterns set during the erstwhile alien rule. Except in a few States, there are no facilities for systematic training to be imparted to the correctional or custodial staff of the prisons. The system of recruitment is of an ad hoc nature. The structure of the prison staff varies from State to State and the housing and other service conditions of the staff are hardly consistent with their duties and responsibilities. The system of convict warders

is still in vogue with inevitable complaints of corruption and malpractices. Probation and other correctional services are scarce and ineffective. There is little coordination between the prison and the correctional services and many more persons are sent to prisons than need be even under the laws in force in the country. It is obvious that the entire system calls for a thorough overhaul and many-pronged reforms.

Earlier Studies of Prison Problems:

1.2.1 It is not that the prison problems of the country have been unknown. The first comprehensive study of these problems was made in this country by the Indian Jails Committee in 1919-1920. Looking at the recommendations of this Committee more than 50 years later, we are struck by the fact that, although the correct perspective was provided so long ago, not much has been done to transform it into a reality.

1.2.2 The committee recommended that the reformation and rehabilitation of offenders should be the objectives of the prison administration; the care of criminals should be entrusted to officers who have received adequate training; a very careful scrutiny is needed in the selection of the staff; the salary should be sufficient to secure and retain faithful staff; the post of Inspector General of Prisons should be filled up by selection from Superintendents of Central Prisons; a Conference of

Inspectors General of Prisons should be held in every alternative year; executive and clerical duties should be separated; technical staff should be provided in jails; separate jails should be set apart for the various categories of prisoners, and a minimum floor area of 75 sq. yards should be provided per inmate in prison construction. They deprecated over-crowding and recommended strict limits for each prison, the creation of Children's Courts for hearing all cases of juvenile delinquents and their housing in Remand Homes instead of adult prisons, and the introduction of probation of offenders, in which voluntary individuals could also help.

They suggested that short-term imprisonment should be replaced by probation, fine or warning or other substitutes such as work in lieu of imprisonment.

The employment of convict officers was disapproved.

1.2.3 In 1923, section 562 of the Criminal Procedure Code was amended to facilitate the suspension of sentences in selected cases. The Presidencies of Bombay, Calcutta and Madras enacted Children Acts in the early twenties. With the promulgation of the Government of India Act, 1935, the prisons became a transferred subject under the autonomous provinces.

Bombay, Madras, United Provinces and C.P. & Berar passed Probation of Offenders Acts during 1936-1938.

The United Provinces Jail Inquiry Committee, 1928-29, the Committee on Prison Reforms in Mysore, 1940-41.

the U.P. Jail Reforms Committee, 1945, the Bombay Jail Reforms Committee, 1946-48 were set up to devise measures to improve the prison administration.

1.2.4. After Independence, the Constitution of India included "Prisons, reformatories, Borstal Institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions" as entry 4 in the State List in the Seventh Schedule. The Transfer of Prisoners Act was passed in 1950. More Jail Reforms Committees were appointed during the last 25 years.

These include the East Punjab Jail Reforms Committee, 1948-49, the Madras Jail Reforms Committee, 1950-51, the Jail Reforms Committee, Orissa, 1952-55, the Jail Reforms Committee, Travancore-Cochin State, 1953-55, the Uttar Pradesh Jail Industries Inquiry Committee, 1955-56, the Rajasthan Jail Reforms Commission, 1964, the Jail Manual Revision Committee, Delhi, 1969, the Bihar Jail Reforms Committee, 1972, and the Jail Code Revision Committee, West Bengal, 1972.

Initiatives taken by the Government of India.

1.3.1. The Government of India invited technical assistance from the United Nations and Dr. W. C. Reckless spent some time in India in 1951-1952 to suggest ways and means of prison reforms. He recommended, inter alia, the getting out of juvenile delinquents from adult jails, courts and police lock-ups; the development of whole-time

probation and aftercare services; the establishment of revising boards for the selection of prisoners for premature release; the establishment of new jails to perform specialised functions; the revision of the jail manuals; training programmes for the warder and superior staff of prisons; the introduction of legal substitutes for short sentences; expedition in police and court action to reduce the number of undertrial prisoners and the period of their remand to jail; the establishment of an Advisory Bureau for Correctional Administration at the centre; the development of a professional conference among the superior staff members concerned with the care and treatment of juvenile and adult offenders; and the establishment of integrated departments of correctional administration, including jails, Borstal, probation and after-care.

1.3.2 During his stay in India, Dr. Reckless conducted the first special course for senior prison officers at Bombay. The Eighth Conference of the Inspectors General of Prisons was also convened in 1952. The first open prisons were set up about this time in Uttar Pradesh and some other States and Prison Welfare Officers were appointed in a number of States in later years. Whipping was abolished in 1955 and the Probation of Offenders Act was passed in 1958.

1.3.3 In the meantime, the United Nations had

sent the First United Nations Congress on the Prevention of Crime and Treatment of Offenders at Geneva in 1955, as a follow up of the work of the earlier International Penal and Penitentiary Commission. The Congress approved the United Nations Standard Minimum Rules for the Treatment of Prisoners. These rules offer guidelines on which Member Nations can modify their national practices in the treatment of prisoners.

1.3.4. In 1957, the Government of India set up the All India Jail Manual Committee, which made a very detailed scrutiny of prison problems and drafted, along with their report, a Model Prison Manual for the guidance of the State Governments in 1959. Among other things, the Committee reiterated the need for a Central Bureau of Correctional Services under the Ministry of Home Affairs to follow up the recommendations with the State Governments. The Ministry of Home Affairs circulated the report of the Committee to the State Governments, seeking their comments. They also circulated the Government of India's acceptance of some of the recommendations and suggested to the State Governments action lying in their jurisdiction. A copy of the circular letter of the Ministry No.5/3/60-P.IV dated the 18th May, 1964 is at Appendix V. The State Prison Manual has been revised wholly only in Maharashtra. In all other States and Union Territories, the revi-

sion of the Manual is in different stages of drafting or examination.

1.3.5 The Central Bureau of Correctional Services was created by the Ministry of Home Affairs in 1961 with the following functions.-

9. (a) to standardise the collection, on a national basis, of statistics relating to crime, jails, probation and other correctional work in the different States in India;
- (b) to coordinate the work and develop a uniform policy of prevention of crime and treatment of offenders;
- (c) to exchange information in regard to crime prevention and correctional services between the States and provide technical knowledge and assistance and other information either generally or on specific programme;
- (d) to exchange information, where necessary, between India and foreign Governments and with the U.N.;
- (e) to promote research and staff training and to undertake studies, surveys and any required research and experimentation in the field;
- (f) to disseminate information and stimulate interest by publication of bulletins, etc. on the subject. *संयोग नियन्त्र*

1.3.6 The Bureau was transferred to the then Ministry of Social Security, now Department of Social Welfare in 1964-65, while the subject of prison remained with the Ministry of Home Affairs.

1.3.7 In 1969, the All India Seminar on Correctional services brought the Inspectors General of Prisons and other correctional administrators together after seventeen years. The seminar concluded that progress

* Government of India, Ministry of Home Affairs letter No.12/13/60-P.IV dated the 22nd August, 1961 addressed to all State Governments and Union Territories.

in Prison reforms was very halting and the State Governments and the Union Government should initiate action in all earnestness to follow up the pending recommendations.

1.3.8 In 1969, the Department of Social Welfare, Government of India constituted a Central Advisory Board on Correctional Services, bringing together the Union Ministries concerned with crime, law, police and corrections as well as State representatives in the field of prisons and social welfare and some academic agencies, with the following objectives:-

- (1) To advise the Central and the State Governments on matters of policy in providing correctional services;
- (2) To help the Central and State Governments to effectively develop the programme of correctional services throughout the country and to fill up gaps that exist at present in different areas of services;
- (3) Other objectives:
 - (a) to advise on matters relating to the social aspects of prevention, control and treatment of delinquency and crime;
 - (b) to suggest measures for improving levels of coordination between administration of justice, police administration and correctional administration; and
 - (c) to suggest ways and means of creating social consciousness for the rehabilitation of the offenders.

1.3.9. In October 1971, during the National Correctional Conference on Probation and Allied Measures, the Inspectors General of Prisons met again and spelt out the difficulties encountered in the implementation of the prison reform programmes and the revision of the

* Government of India, Department of Social Welfare Resolution No. N.15/12/67-SW.5-dated the 22nd December, 1969.

State Prison Manuals, etc. They deplored the lack of priority and the inadequacy of the funds being made available by the State authorities to the prison administration. The meeting advocated the involvement of the Government of India in a big way to accelerate the development of the prisons along modern lines.

Need of including some Aspects of the Prisons in the Development Plans

1.4.1 The subject of prisons did not find a place in the development programmes of the country drawn up in the first three Five-Year Plans. The Planning Commission set up a Working Group to prepare schemes in the field of Social Defence, to be included in the Fourth Five Year Plan. The Working Group recommended the inclusion of prison programmes in the Plan, but the Planning Commission could not agree to this recommendation. A similar Working Group for the Fifth Plan also drew attention to the various deficiencies of the prison set up in the country. The Ministry of Home Affairs again took up the issue for including the prison administration as a part and parcel of the development programme in the Fifth Five Year Plan. We submitted an Interim Report to facilitate this exercise, but we understand that there has been no progress in this matter so far.

1.4.2 We are convinced that prison reforms have suffered in the past, inspite of so many examinations and recommendations being readily available, mainly due to a lack of priority and funds and we have no

doubt that the prison administration in the country cannot be streamlined and modernised unless the Government of India and the State Governments invest more resources in developing every aspect of the existing system. The inmates of prisons constitute a stigmatised section of the country's population. Their rehabilitation in society is deserving of the special concern of a Welfare State. We urge, therefore, that the development of the Prison and Correctional administration should no longer remain divorced from the national development process.

1.4.3 To this end, we reiterate the recommendation contained in our Interim Report that a provision of Rs.100 crores should be made in the Fifth Five Year Plan for the following aspects of the Prisons Administration:-

सत्यमेव जयते

- (1) Improvement of existing buildings, and construction of new buildings for undertrials and the various categories of prisoners.
- (2) Construction of residential accommodation for the staff.
- (3) Modernisation of industry and agriculture in prisons and correctional institutions.
- (4) Provision of scientific and technological facilities in prisons, such as security, fire-fighting, alarm and communication arrangements.
- (5) Basic, refresher and specialist training of prison personnel from the policy making to the lowest levels.

CHAPTER II

AN ANALYSIS OF PRISONS AND PRISONERS IN ONE DECADE (1961-70)

Prison Institutions

2.1.1 There were 1176 prison institutions in the country in 1961. These included 52 Central Jails, 180 District Jails, 919 Sub-Jails, 2 Juvenile Jails, 9 Borstal Schools, 3 Women's Jails, 6 Special Jails and 5 Open Jails. The total number of institutions came down to 1170 in 1970. The numbers of Central and District Jails rose to 64 and 194 respectively while the number of Sub-Jails came down to 860. At the end of the decade, there were 6 Juvenile Jails, 9 Borstal Schools and 3 Women's Jails. The numbers of Special and Open Jails rose to 17 each. These changes are in the right direction, but the pace of change is hardly encouraging.

सत्यमेव जयते

Admissions to Prisons

2.2.1 The total admissions during the year in 15 States and 2 Union Territories rose from 10,05,896 in 1961 to 13,78,657 in 1970, which represents an increase of nearly 37%. This increase is spread over most of the States and Union Territories, but there was a decrease in Kerala, Mysore, Nagaland and Punjab and Haryana combined. The largest numbers of admissions in 1970 were in Tamil Nadu (2,90,327), followed by U.P. (2,54,744) and Gujarat (2,23,282). The Union Territory of Delhi had an admission of 19,689.

2.2.2 The break-up of the annual admissions between

undertrials and convicts shows that the admissions of undertrials have been in excess of the admission of convicts, except in Andhra Pradesh and Maharashtra. In 1960, there was a total admission of 5,93,393 undertrials against 4,12,493 convicts. The difference was greatly accentuated in 1970 with 9,38,593 undertrials against 4,40,059 convicts. The undertrial admissions have risen in the whole country by 58%, while the convict admissions have risen by only about 7%. This would appear to have some relationship with the increased incidence of crime and slow disposal of cases by the police and the courts. The largest percentage increase in undertrial admissions has been in the States of Gujarat (from 23,260 to 2,01,712), Tamil Nadu (from 1,25,527 to 2,12,475) and Uttar Pradesh (from 1,18,962 to 1,68,313). However, in Nagaland and Punjab and Haryana combined, the annual admission of undertrials was less in 1970 as compared to 1961. The largest convict admission in 1961 was in the State of Tamil Nadu (99,363), followed by Maharashtra (89,811), U.P. (55,616) and Andhra Pradesh (49,971). In 1970, Uttar Pradesh took the lead with 86,431 convicts against 79,342 in Maharashtra, 76,852 in Tamil Nadu and 64,975 in Andhra Pradesh.

2.2.3 In terms of the rate of admission per lakh of population, it is found that the total admission of undertrials shows an increase of nearly 29% (from 174 to 224) over the decade. This is a disturbing feature as it is indicative of a tendency towards

increased criminality in the population. This is all the more so when it is coupled with the fact that the number of persons admitted as convicts per lakh of population has shown a decline of almost 13% (from 121 to 105) over the decade as this is indicative of a weakening of the Criminal Justice System.

2.2.4 We have not attempted a correlation between the statistics of crime and the statistics of prison admissions. Nevertheless, it is significant that total cognizable crime under the Indian Penal Code increased in the country as a whole by 57.6% during the decade against an increase of population of 27.4%. This more or less matches the increase over the decade in the undertrial admissions.

Daily Average Population

2.3.1 The daily average population of undertrials has also risen very substantially from a total of 42,480 in 1961 to 77,409 in 1970 in 16 States and 2 Union Territories. This is indicative of the over-crowding existing in our prisons. However, the position in this respect seems to have become acute in Bihar where the daily average has increased from 8,750 in 1961 to 22,460 in 1970. Substantial increases have been registered in Andhra Pradesh, Kerala, Madhya Pradesh and Orissa also, while there have been marginal increases in all other States and Union Territories, except Tamil Nadu where the daily average has dropped from 3,100 to 2,517. The daily average population of convicts increased in these States and

Union Territories from 96,699 to 1,00,581 in 1965, but dropped to 88,718 in 1970. Uttar Pradesh leads in the daily average population of convicts with the figure standing at 20,983 followed by Maharashtra with 12,628. The daily average was less than 10,000 in all other States and less than 5,000 in the States of Gujarat, Haryana, Kerala, Manipur, Mysore, Nagaland, Orissa, Punjab, Rajasthan and Tripura.

2.3.2 Putting the two together, the daily average population of undertrials and convicts has increased during the decade from 1,39,129 to 1,66, 127 in the States and Union Territories under consideration.

The States in which the daily average population is more than the capacity provided in the jails are Andhra Pradesh (15,361 against 9,097), Assam (6,583 against 4,846), Bihar (36,937 against 19,324), Madhya Pradesh (13,673 against 10,402), Maharashtra (18,186 against 15,901), Nagaland (850 against 260), Orissa (6,740 against 5,716), Uttar Pradesh (36,918 against 34,879) and West Bengal (22,309 against 20,119). In Delhi, in the only Central Jail, there were 1703 undertrials and convicts against a capacity of 1,273.

2.3.3 It may be added that the problem of overcrowding is aggravated by the fact that the actual capacity is much less than the figures mentioned above in most States, because some living accommodation has been used up in providing hospitals, isolation wards, work-sheds, class rooms etc.

Some features of Convict Admissions

2.4.1 An examination of the convicts admitted in the prisons between 1961 and 1970 by age groups shows that the number of prisoners under 16 years of age has increased practically steadily throughout the decade from 1,409 in 1961 to 3,213 in 1970, their percentage in the total prison population increasing from 0.40 to 0.72. This is an unhealthy trend, as it represents an increase in juvenile delinquency. The number in the age group 16 to 21 years has varied between fiftyseven to sixtytwo thousand, representing a percentage of between 13 to 16. It follows that the bulk of the population in the prisons consists of persons of 21 years of age or more.

2.4.2 We also find that almost 85% of the men and 95% of the women convicts spend less than six months in custody. Indeed, 78.6% of the convicts admitted to prisons in 9 States of the country in 1970 were sentenced to imprisonment for periods not exceeding three months. We will deal with the alternatives to short-term imprisonment in another chapter.

Conclusions and Recommendations

2.5.1 This analysis shows that the necessity at present time really is of separate institutions for undertrials in the States of Andhra Pradesh, Assam, Bihar, Madhya Pradesh, Orissa, Tamil Nadu, Uttar Pradesh and West Bengal, besides special institutions for juveniles, young adults, women and the mentally ill persons in almost all States. It is only

when these categories of inmates are lodged elsewhere that it will be possible to convert the existing prisons from purely custodial and security institutions to institutions with facilities for correctional treatment.

2.5.2 The general question of making the police and court processes more prompt is perhaps receiving the attention of Government. However, we find from the Interim Report of the Bihar Jail Reforms Committee that the number of persons detained in jails in the absence of police report and chargesheets for over one year is 8352. These include 1766 persons who have been under detention for over two years, 633 over three years, 197 over four years and 41 over five years. We are constrained to remark that there must be something extraordinarily wrong in the functioning of the Criminal Justice System which permits people to remain under trial without a charge-sheet for as long as five years. We believe that the changes which are being introduced in the new Criminal Procedure Code will solve this problem to some extent.

2.5.3 However, since there is a very large undertrial population in the Indian Prisons at the present time and since it is very likely that the bulk of these prisoners are involved in offences of a comparatively minor nature, we recommend that there should be a one-time review of the cases of all undertrial prisoners throughout the country simultaneously in 1974. This review should be aimed at releasing those

prisoners who have committed offences only of a minor nature or who are not habituals or who have already undergone undertrial detention for periods longer than what they may be sentenced to at their trial or whose cases have been pending investigation with the police without the filing of chargesheets for more than six months or the investigations/trials of whose cases are held up because of one or more insoluble problems like difficulty in the conduct of identification proceedings of person or property, non-availability of witnesses etc. We believe that a review of this kind can be carried out by the magistrates and judicial officers concerned with the assistance of the prison authorities and will serve a very useful purpose not only of bringing down the jail population to manageable proportions but also of reducing the heavy arrears in courts and will enable both the police and the courts to concentrate on the cases of undertrial prisoners who constitute the real threat to peace and good order in the country. It may be found during this review that while some prisoners can be released straightaway, others can be released on bail, with or without sureties.

2.5.4 The convict population is also in excess of capacity in Andhra Pradesh, Madhya Pradesh and Maharashtra. Though the problem in this regard is not serious, the cases of convicts could also be reviewed to determine which of them can be safely released on parole with or without conditions.

2.5.5 While we are advocating a one-time review in 1974, we suggest that similar reviews may be undertaken on a State basis from time to time whenever the undertrial population exceeds the capacity in the prisons substantially.



CHAPTER III

NATIONAL POLICY ON PRISONS

3.1.1 The tide of crime and delinquency has been rising in the country on a pattern more familiar in the affluent countries. There is no system of co-ordination among the three organs of the Criminal Justice System, i.e., the Police, the Judiciary and the Prison and Correctional Administration. There is also a disturbing lack of preventive activities on the part of the authorities and the community.

3.1.2 The causation of crime is very complex. It is not always the offender alone who can be held responsible for his delinquent action. Very often he is a victim of his own physical or psychological make-up or of his economic and social environment.

3.1.3 The theory that the severity of punishment has a deterrent effect was proved invalid a long time ago. There has been increasing stress, of late years, on the need to adopt a correctional attitude towards offenders. Confinement to a prison can no longer be regarded as the main recourse available to the State for dealing with those who violate the law. Many alternatives to imprisonment have been developed in other countries and in some of them only a minority of those brought before the courts are sent to prisons. The stress now is on the individualised treatment of offenders.

3.1.4 In the developing countries, in particular, there is a mass of legislation designed for the welfare

of the people. Increasing affluence also leads to new anti-social offences. In such a complex social situation, offenders against the different kinds of laws can no longer be looked at or treated uniformly and sentenced to spend a shorter or longer term in a prison of the old model.

3.1.5 We have indicated very briefly the existing state of the Prison Administration in the country in the two preceding chapters. We believe that the time has come when we must adopt a National Policy in this respect. We have carefully perused the earlier reports on Prison Reforms and we have given anxious thought to the problems in this field which continue to plague us. We recommend that the main elements of a National Policy on the Prison and Correctional Administration should be as follows:-

- (1) A suitable system should be established for co-ordination among the judiciary, the police and the prison and correctional administration for the effective prevention of crime and treatment of offenders.
- (2) The objectives of punishment are diverse. In recent times, retribution has been mostly discarded and deterrence and incapacitation have become of limited relevance to certain types of offenders only. The supreme aim of punishment has now to be the protection of society through the rehabilitation of the offender. The reassimilation of the offender in society and the

prevention of crime should be the principal goals for the Criminal Justice System. Accordingly, the goals of the prison administration will be the employment of all resources, human and material, to provide scientific treatment to every offender according to his peculiar needs and circumstances.

- (3) The concepts of deprivation of liberty and segregation from society should be limited mostly to the habitual, the incorrigible and the dangerous criminals. Short-term imprisonment does not serve any useful purpose. The fullest possible use should be made of the various alternatives to imprisonment, as well as of open prisons. Non-institutional or semi-institutional forms of treatment should be resorted to as far as possible.
- (4) Simple imprisonment should be abolished as a form of punishment.
- (5) Scientific classification of prisoners and diversification of institutions are essential for treatment programmes in prisons.
- (6) Juveniles and young adults should be kept away from adult institutions. Institutions for them should be provided with special facilities for treatment and rehabilitation.
- (7) It is necessary that there should be close co-ordination between the prison and the probation and other correctional services. It follows

that the prison administration should be treated as an integral part of the Social Defence component of the national planning process.

- (8) Free legal aid should be provided to all indigent prisoners.
- (9) The prisons should have facilities for work programmes aimed at equipping the offenders for return to society with skills to help in their socio-economic rehabilitation.
- (10) The treatment services in prisons should include proper medical and health services, diversified education, vocational training, correctional social work, counselling and self-discipline and cultural activities in consonance with the social and criminal history, the physical and mental capacities and the length of the sentence of individual prisoners.
- (11) The interests of prisoners and of vocational training should not be subordinated to considerations of financial gain from prison agriculture and industry.
- (12) Prisoners should be provided with minimum facilities for a simple living with proper clothing and accommodation, segregation, personal hygiene, sanitary facilities, a balanced healthy diet, open area for exercise and recreation on accepted minimum standards and opportunities of communication with the outside world through a liberal system of interviews and correspondence.

- (13) The prison administration should encourage inmate participation in institutional management in suitable areas such as sanitation, canteen, food and cultural activities to cultivate in the prisoners a sense of responsibility and participation.
- (14) There should be a systematic periodic review to determine which offenders can be safely released prematurely, subject to specified conditions or otherwise. This may be coupled with a system of parole supervision.
- (15) Undertrial prisoners should be lodged in separate institutions as far as possible and facilities should be provided to them for work on a voluntary basis.
- (16) The prison administration should develop cadres of prison officers with basic academic qualifications and specialised training in the theories and practice of correctional work and institutional management.
- (17) Suitable pay scales, prospects for promotion, opportunities for professional growth and job satisfaction should be provided to the prison staff so that they may develop the image of an important social service.
- (18) A humane, efficient and well-organised system of aftercare and the rehabilitation of offenders should be a continuous part of the prison programmes.

(19) The Union and State Governments should declare unequivocally that there will be no bar or restriction on the employment of ex-convicts of specified categories in the public services after a due scrutiny of the prison reports certifying to their abilities and qualities.

(20) The prison administration should systematically involve enlightened individual citizens, associations, societies and other community agencies in the treatment, aftercare and rehabilitation of offenders.



CHAPTER IV

ALTERNATIVES TO IMPRISONMENT AND LEGISLATION EFFECTING PRISONS

The need for Alternatives to Imprisonment

4.1.1 The statistics relating to prisons and prisoners provided in Chapter II lead to the definite conclusion that a majority of the prisons in India are overcrowded and that the prison population everywhere is generally a heterogeneous mixture of remand prisoners, short-term convicts and long-termers. This situation scarcely admits of any individualised treatment leading to correction and rehabilitation of any type of offender. It is not, therefore, surprising that many thinkers consider that there is something seriously wrong with the system of incarceration itself. But we are of the view that imprisonment has its place in the scheme of administering justice in an imperfect world and what we should really aim at is a moderation secured by a large-scale adoption of alternatives to imprisonment at least in the case of short-termers and a diversification of institutions which will ensure a reasonable homogeneity in the population to be treated. We proceed to consider the former issue. The latter will be dealt with in a later chapter.

Relevant Legal Provisions

4.2.1 The large undertrial population and the question of alternatives to imprisonment is connected with the procedural and substantive criminal law of the country. The Criminal Procedure Code, enacted in 1898, has been

amended a number of times by State legislation, apart from a comprehensive Central amendment in 1956 by Parliament. The Indian Penal Code which was enacted more than a hundred years ago has, however, remained in force substantially in its original form all these years. Some of the provisions of these old Codes are out of tune with the modern concepts of the treatment of offenders. Both the Codes are now under revision. A new Code of Criminal Procedure is in the final stages of enactment and a Bill for the comprehensive amendment of the Indian Penal Code is now pending the consideration by a Joint Select Committee of Parliament in the Rajya Sabha. We are grateful to note that the new Codes have several features which will help in the improvement of the prison and correctional administration. We will refer briefly to some of these provisions in the paragraphs that follow.

The Problem of Undertrial Prisoners

4.3.1 The Code of Criminal Procedure Bill, 1970 contains a number of provisions which will help to reduce the undertrial population in prisons. In section 116, it has been provided in respect of security proceedings, that if the enquiry is not completed within a period of 6 months from the date of their commencement, the proceedings shall stand terminated on the expiry of the said period unless, for special reasons to be recorded in writing, the Magistrate otherwise directs. Even in such cases, if the person has been

kept in detention, the proceedings shall stand terminated on the expiry of a period of 6 months of such detention. A limitation of 60 days has been put on remands in cases punishable with not more than 3 years imprisonment in section 167. In the same section, it has been provided that, if in any case triable by a Magistrate as a summons case, the investigation is not concluded within a period of 6 months from the date of the arrest of the accused, the Magistrate shall stop further investigation into the offence. We feel, nevertheless, that one of the first things that we should do to improve the situation in the prisons in this regard is to separate the remand prisoners from the convicts. For this purpose, apart from the network of sub-jails, some bigger custodial centres with adequate facilities to house undertrials, call them District Prisons or Special Sub-Jails, should be developed at suitable places where most of the courts are located.

The problem of short-term imprisonment

4.4.1 The biggest problem in relation to convicts is the one relating to short-term imprisonment, which has no therapeutic or rehabilitative value. It only causes over-crowding in the prisons, bringing economic hardship and distress to the dependents of the inmates. It should certainly be possible to devise some suitable methods of treating the short-termers to useful purpose in the community itself, without endangering the protection of society, by adopting a selective approach

towards various types of offenders. Extra-mural treatment of various kinds may very often be much more effective and productive of the desired objectives of punishment than a blind incarceration within the four walls of a prison for a short period. That is why the All-India Jail Manual Committee, 1987-59, had recommended, as a first step, that there should be no sentence under three months imposed by our Criminal Courts. This aspect has apparently been very well realised already in the United Kingdom, where the prison statistics indicate that the number of persons sentenced to imprisonment for less than 3 months in 1970 was just 1,200 as against 12,000 in 1960. Obviously, a concerted effort has been made in that country to use all possible alternatives to imprisonment, with a view to achieve this 90% fall. It is high time that we took such concerted measures in this country also.

4.4.2 The inadvisability of short-term imprisonment has been accepted in the Indian Penal Code (Amendment) Bill, 1972. The Statement of Objects and Reasons of the Bill says, *inter alia*, that "Provision should be made for punishments intermediate between fine and imprisonment to avoid, at least to some extent, the contamination of a casual unsophisticated offender by hardened criminals in the Jail" and that "The scope for imposing short-term imprisonment should be reduced as such imprisonment serves no useful purpose". The new Criminal Procedure Code provides that where any person is convicted of an offence, for which the punishment prescribed is upto

one year and is sentenced to an imprisonment upto 3 months, the court shall record its reasons in writing for such sentence. This will have the effect of controlling and reducing the incidence of short-term sentences.

New Punishments introduced in the I.P.C. (Amendment) Bill, 1972

4.5.1 The punishments prescribed under the old Code were death, imprisonment for life, rigorous or simple imprisonment, forfeiture of property and fine. The new Code retains all these punishments, but makes provisions also for certain new punishments, such as extemement, payment of compensation to victims, corrective labour and public censure. These alternatives could be purposefully adopted by the Courts in India for certain categories of offenders, in keeping with their personality traits, economic background and capacity to respond to various modes of correctional treatment. Where the home environment is good the simplest treatment of admonition produces the best results. Extremement has been proposed in the Code for offences against the public tranquillity or any other offence causing or likely to cause a breach of the peace. Compensation is envisaged to be paid to the victims by the persons held guilty of offences relating to the human body or property or defamation. The punishment of public censure has been mentioned as appropriate for certain anti-social offences such as extortion, cheating, etc. The Bill has also proposed the introduction of corrective labour as an alternative

to imprisonment by suggesting necessary provisions for it in the Code of Criminal Procedure. The Bill envisages corrective labour to be performed in Jails, at the discretion of the court, for offenders below 30 years of age and convicted for offences punishable with imprisonment upto three years. We welcome these steps and hope that these measures would be further strengthened before the passage of the Bill.

Need of Work Centres for Payment of Fines

4.6.1 The system of imposing fines is a universal mode of dealing with offences which are not serious and for which imprisonment is not required. Sometimes imprisonment in default of fine is also ordered by the court. It would be useful if suitable provision is made in the Code that fines could be paid through compulsory work at Work Centres. Persons who are sentenced only to a fine and who are unable to pay the same could be sent straightaway to such Centres, while persons sentenced to imprisonment as well as fine could, on the completion of their term of imprisonment, be released and sent to Work Centres established for the purpose by the State. It has been generally accepted that the amount of the fine should be related, among other factors, to the offender's ability to pay. In several countries the payment of fines in instalments has been introduced. Under the Day-Fine system in vogue in Sweden, the Court decides the time-span of the sentence which is related to the gravity and nature of the offence. It also decides the amount of the fine which

is related to the income of the offender, his assets and the number of his dependants. The Judge determines what amount per day the fined persons can raise, short of becoming financially distressed and so punishing his family. At the same time, the fine must represent enough of the offender's daily earnings to make it necessary for him to practise the strictest economy. Thus, the Day-Fine payable in monthly instalments tends to provide equal treatment to the rich and the poor, and as much may be successfully introduced in this country for selected categories.

Probation

4.7.1 Release on probation, with or without supervision, is the most important and about the most practicable of the alternatives to imprisonment. This has been conclusively demonstrated by the benefits that have accrued to the affected subjects and to the community at large, during the past few decades when the probation system has been in vogue in our country. It is also considerably cheaper to the State than maintaining prisoners in custody. It is thus not for nothing that probation has been universally acclaimed as the trusted remedy for the problem of short-term prisoners.

4.7.2 The scope of section 562 of the Criminal Procedure Code was enlarged in 1923. Subsequently, Probation of Offenders Acts were passed in U.P., Bombay, Madras and the C.P. in the thirties and in West Bengal in 1954. The Probation of Offenders Act, 1958, is a

more progressive and comprehensive measure and provides ample scope for utilising admonition, probation and compensation in lieu of imprisonment. It is already in force in Andhra Pradesh, Assam, Bihar, Haryana, Kerala, Madhya Pradesh, Maghalaya, Mysore, Orissa, Punjab, Rajasthan, Maharashtra, Gujarat, Tamil Nadu and the Union Territories. We recommend that the States, which are still continuing with their own Acts or where no Probation Act is in force, should adopt the Central Act without delay.

4.7.3 We notice that the reference in the existing section 364 to "section 31 of the Reformatory Schools Act, 1897", has been omitted and substituted by "the Probation of Offenders Act, 1958, or the Children Act, 1960, or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders" in the parallel section 360 of the new Code. We welcome the special provision made by section 361 of the new Code that where in any case the court could have dealt with the accused person under section 360 or under the provisions of the Probation of Offenders Act, 1958, or a youth offender under the Children Act, 1960, or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders and has not done so, it shall record in its judgement the special reasons for not having done so. We feel that it is necessary to extend the scope and usefulness of this system by making it obligatory for the courts to apply pro-

bation to adult first offenders also, except in the cases of those convicted of heinous offences, in the same manner as to juvenile and adolescent first offenders, and to record reasons for non-application in exceptional cases. Such an enlarged provision will give a fillip to the wider use of probation in the country and concomitantly to the development of the Probation Services.

4.7.4 In advanced countries several useful forms of extra-mural treatment have been developed in recent years. The following are some of these:

- (a) Attendance at Special Centres for juvenile young offenders below 18, according to a prescription specifying the number of hours the young offender should spend at such Centre and the frequency of such attendance.
- (b) Attendance at a Work or Training Centre during the probation period, for which payment would be due to the probationers. The money may be utilised to pay the fines, if any, imposed by Courts, so as to avoid detention in default.
- (c) Week-end detention at a Hostel or Camp, to be utilised for the re-education of young offenders and adolescents.
- (d) Detention Centres or Hostels run by official or non-official agencies, where the offender may be required to stay for a specified period while attending school or work.

4.7.5 These, as well as most of the other methods of

non-institutional or semi-institutional treatment, could be imposed as conditions attached to the probation order issued by the Court.

Corrective Labour

4.8.1 The system of corrective labour in Work Centres may be advantageously introduced for certain categories of offenders as an alternative to imprisonment. The All India Jail Manual Committee, 1957-59 had recommended the placement of offenders in compulsory Work Centres in lieu of imprisonment upto three months. We have referred to the provision contemplated in this regard in the Indian Penal Code (Amendment) Bill, 1972. We would, however, suggest that such corrective labour should be organised outside the jail, so that it may neither adversely affect the security arrangements in the jails nor expose casual offenders to the risk of coming under the a social influence of hardened criminals. The Special Work Centres organised for this purpose, could perhaps be advantageously set up in conjunction with some of our national and public projects.

Compensation to Victims

4.9.1 The system of compensation to victims, though a wholesome idea which should be welcomed in principle, needs to be examined in relation to the socio-economic background of the offenders as well as the victims. It has been suggested in the Indian Penal Code (Amendment) Bill, 1972, that while fixing the amount of compensation, the Court shall take into consideration the nature of the offence, the motive thereof,

the economic and social status of the offender and of the person in whose favour such order is made and all other relative factors. It may be pointed out that, in adopting these criteria, the Court would find it difficult to strike a balance between the socio-economic background of the offender and his paying capacity on the one hand and the economic status of the victim and the extent of the injury suffered by him on the other. Where such difficulties arise, the offender should either be placed in Work Centres or be imposed a fine on the lines of the Swedish Day-Fine System.

4.9.2 We may conclude that the various alternatives to imprisonment which we have discussed are, in the long run, more effective and economical. The ultimate result of all such measures will not only mean the reclamation under congenial circumstances of the individuals concerned in consonance with the long-term protection of society, but also the parallel improvement of the atmosphere and the conditions in the existing prisons for the effective treatment of those who are left behind.

Some other Legal Provisions

4.10.1 We may refer now to some other provisions of the law which concern the prisons. The Indian Penal Code (Amendment) Bill, 1972 abolishes the death of committing the offence are under 18 years of age, in cases where a death sentence is not the only puni-

ishment provided by law for the offence. The offence of attempt to commit suicide has been abolished. Solitary confinement as a form of punishment has also been done away with. It is seen that the revised Code makes no change in the age of criminal liability, which, according to sections 82 and 83 varies from 7 years to 12 years. We feel that this should be raised uniformly to 12 years. We also recommend that simple imprisonment as a punishment should be abolished, as indolence only harms the mental and physical health of the prisoners.

4.10.2 The Criminal Procedure Code abolishes committal proceedings by section 209, which will have the effect of expediting the trials of offences triable exclusively by the Sessions Court. It also prescribes a period of limitation for launching prosecution. We welcome the provisions made in section 304 of the Code for legal aid to the accused at State expense. The provisions apply to trials before the court of sessions in which the accused is not represented by a pleader for want of sufficient means. The State Governments have been empowered to direct that these provisions shall apply to any class of trials before other courts in the State as they apply to Sessions trials. We welcome, particularly, the provision made by section 428 for the period of detention undergone prior to conviction to be deducted from the period of imprisonment to which a person is sentenced.

Parole

4.10.3 Parole is the premature conditional release

of an offender sent to prison, after he has undergone a certain period of imprisonment to the satisfaction of the concerned authorities. Sections 432 and 433 of the Code of Criminal Procedure Bill, 1970, vest authority in the Central and State Governments to suspend or remit sentences in deserving cases. It is expected that the Review Boards constituted for the purpose and the State Governments will adopt a liberal approach and resort to the method of releasing prisoners before the expiry of their full terms of imprisonment, as a means of integrating them early enough into their own environment, under certain helpful conditions which will enable them to keep to the right path. It is desirable that the Central Government recommends the adoption of a uniform approach to parole by the States/Union Territories.

Children Act, 1960

4.10.4 There is a Central Children Act for the Union Territories and most States have their own Children Acts. There are some States which have not enforced their own Acts throughout the State or who have no Act of their own. As the incidence of juvenile delinquency is on the increase, it is desirable that Children Acts should be enforced throughout the country and also that they should be implemented earnestly to ensure that juvenile offenders do not

have to come to institutions meant for adults.

Borstal Schools Act

4.10.5 There is no central legislation to cover the young adult offenders in the age group of 16 to 25 years. In the absence of any statutory provisions and institutional facilities in most of the States, about 20% of the prison population, both undertrials and convicts, consists of young persons who are lodged in jails meant for adults. We strongly disapprove of allowing young adults to be mixed up with adults, though supposed to be segregated in different wards. In reality, there is hardly any segregation. Keeping them on the same campus exposes them to contamination by the criminal sub-culture. We are, therefore, of the view that the Government of India should enact a special legislation to cover the age group of 16-25 years for the Union Territories, so that the State Governments would have a ready-made model legislation which they can adopt with suitable modifications. This could replace the present Borstal Schools Acts of the States of Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Mysore, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal, which are found deficient in some respects.

The Prisons Act, 1894 - The Prisoners Act, 1900 - The Transfer of Prisoners Act, 1960

4.10.6 The administration of the prisons and prisoners is at present governed by 3 Central Acts, i.e. the Prisons Act, 1894, the Prisoners Act, 1900 and

the Transfer of Prisoners Act, 1950. We are of the opinion that the time is ripe for enacting a consolidated new legislation, which can open the door for progressive prison policies, in tune with the latest thinking and practice all over the world. We find that "Criminal law" and "Criminal procedure" are included in the Concurrent List of the Constitution for the sake of uniformity. The prison administration is, in effect, an extension of criminal procedure and we consider it necessary that the Constitution should be amended to include the subject of Prisons and allied institutions in the Concurrent List, so that the new prison legislation may be enacted by the Government of India for uniform application throughout the country, with such variations in the rules to be framed thereunder, as may be considered necessary to suit local conditions. We understand that the draft of such a legislation is already before the Ministry of Home Affairs. We recommend that steps should be taken to enact it, with such modifications as may be necessitated by the acceptance of our recommendations, as early as possible.

Civil Procedure Code, 1908

4.10.7 In most States, civil prisoners are also confined to prisons meant for convicts. Civil prisoners are permitted to obtain food, clothing, bedding and other necessities from outside and there are no provisions to compel them to do any work. Their housing in prisons for convicts is, therefore, not

very desirable and it needs to be examined whether any suitable alternative arrangements can be made for this purpose. It may also be examined whether some system can be established whereby civil convicts can also be made to undertake some useful social activity while in confinement, for example, working in Schools or Work Centres or in programmes for community welfare. This, indeed, could be so devised as to help them in discharging their civil liabilities, which occasion the imprisonment. This would require suitable provisions in the new Prisons Act, as also in the Civil Procedure Code, 1908.

Lunacy Act, 1912.

4.10.8 There have been persistent demands for modifying the approach to lunatics, both criminal and non-criminal, and mentally ill persons. We consider that the present law, i.e. the Lunacy Act, 1912 is out of date. Moreover, in the absence of an adequate number of mental hospitals in the country, non-criminal lunatics also get sent to jails pending the availability of a vacancy in a mental asylum. We understand that an Indian Mental Health Bill was proposed to be drafted by the Ministry of Health some time back. We suggest that the enactment of the new law should receive adequate priority. Pending a change in the legislation on the subject, the State Governments should endeavour to create necessary facilities for the observation, treatment care and rehabilitation of all mentally sick persons so that it may be possible to prevent such persons being sent

to jails.

Habitual Offenders Restriction Acts

4.10.9 The Ministry of Home Affairs had circulated a Model Bill on this subject to all the States. So far, only Andhra Pradesh, Himachal Pradesh, Kerala, Maharashtra, Mysore, Nagaland, Orissa, Punjab, Haryana, Uttar Pradesh and Tamil Nadu have State Acts for dealing with habitual offenders. We recommend that the remaining States should also enact a suitable law on the subject.



CHAPTER V

DEPARTMENTAL ORGANISATION AND COORDINATION

Jurisdiction of Prison Departments

5.1.1 The Prison Department functions under the Home Department in all the States, but the jurisdiction of the Department exhibits many diversities. Similarly, the organisational pattern of the Prison Departments in the country varies from State to State. This is due mainly to the fact that the prisons being exclusively under the State jurisdiction, the State Governments have developed and expanded their Prison Departments according to their local conditions and available resources.

5.1.2 Even though the correction and rehabilitation of offenders has been accepted as the ultimate objective of imprisonment, the prison institutions are still geared primarily to custodial and security needs. The All India Jail Manual Committee, 1957-59 had recommended that the Prison Departments should be re-organised into Departments of Prison and Correctional Services and that the various programmes for juvenile delinquency, probation and aftercare should be co-ordinated thereunder. Since then Social Welfare Departments have been created in most States and the present position is that in Andhra Pradesh and Kerala, the Prison Departments are responsible for probation and juvenile, youth and adult corrections also; in Bihar, Haryana, Madhya Pradesh, Maharashtra, Orissa, Punjab, Tamil Nadu and West Bengal, probation, youth

and adult corrections are with the Prison Departments; in all other States, the Prison Departments are responsible only for the management and supervision of prisons. In the present set-up, there is no machinery for effective co-ordination between the activities of the prison services and the other correctional services, thus seriously hampering their co-ordinated functioning and the maintenance of a continuity of approach in the various correctional programmes.

5.1.3 We recommend that the correctional services for young adult and adult offenders, probation and aftercare should be co-ordinated in one department and that the Inspector General of Prisons should be designated as the Director of Correctional Services also. The Department should continue in the charge of the Home Department at the secretariat level as at present. The administration of the Children Act and the institutional services relating to children, including juvenile delinquents, may be the responsibility of the Social Welfare Department.

The Inspector General of Prisons

5.2.1 The Prisons Act, 1894 provides for the appointment of an Inspector General of Prisons to head the Prison Department in each State. In the latter half of the 19th Century, the post was filled in by senior Military Officers in keeping with the emphasis on stringent security measures. Later, with increasing stress on the physical well-being of prisoners, senior Medical Officers came to be appointed as Inspectors

General of Prisons. The Indian Jails Committee, 1919-20, which had studied the prison administration in India and in several foreign countries in depth, pleaded for adopting a specialised approach towards the treatment of prisoners. Accordingly, experienced administrators, irrespective of their cadre, were drawn to man this key position.

5.2.2 The post of the Inspector General of Prisons is filled in, at present, either by experienced hands on deputation from the Indian Administrative Service or the Indian Police Service or by promotion from among the Jail Department Officers. However, in one State, a senior officer of the Medical Department is the Inspector General of Prisons in accordance with the old tradition.

5.2.3 Dr. W. C. Reckless, in his report 'Jail Administration in India', had emphasised that, if the jails have to be transformed from 'just holding operations' into 'rehabilitation centres', it is high time that the jail service becomes a career service and a specialised profession; and that we "have men at the top who have the experience, the knowledge, and the skill" required. He went on to suggest that the general or hospital administrator should be precluded from heading the prison administration, which should be placed under a specialist available in the State or from outside. The All India Jail Manual Committee, in its dis-

cussion on this subject seven years later, also recommended that, in filling the post of Inspector General, special care should be taken that only persons with sufficient knowledge and suitable experience are considered and if a suitable departmental officer is available, he should be given preference. We are in entire agreement with this concept and we recommend that the States should create the necessary infra-structure for a change-over from custody to correction in the jail administration so that it may be possible for this administration itself to throw up persons suitable to head the department.

5.2.4 The acceptance of the principle of the co-ordination of the various penal and correctional services for the young adult and adult offenders, including probation and aftercare, will mean that the Inspector General of Prisons will have to implement the policies laid down by the Government in this regard and plan, organise, direct, co-ordinate and control the working of the various correctional services besides making regular inspections. It is obvious that it is essential that he should possess thorough knowledge and experience of the various branches of the Prison and Correctional Administration and have the ability to plan, guide and administer in the field, with a proper perspective and approach, the functioning of all these branches.

Headquarters Organisation

5.3.1 The Inspector General of Prisons should be assisted by Deputy Inspectors General of Prisons; Directors of Probation, Youth Correction and Aftercare, Industries and Vocational Training, and Agriculture; and Chief Officers of Prison Architecture and Buildings, Medical and Health Services, and Educational and Cultural Programmes. Under the proposed co-ordinated system, the technical and administrative resources available with one branch can be utilized conveniently by the other as and when required.

5.3.2 Besides these specialised branches, a Planning, Research and Development Cell should be set up directly under the Inspector General of Prisons, with research workers drawn from the disciplines of Psychology, Sociology and Social Work. This Cell will be responsible for the collection of the statistics required from time to time. It should undertake, on a priority basis, the work relating to the revision of the State Jail Manual on the basis of the recommendations contained in the Model Prison Manual and the decisions that they may be taken on our recommendations.

5.3.3 In addition, an ~~Organization~~ and Methods Cell should also be established under the Inspector General of Prisons to review the disposal of workload and to ensure efficient functioning of the organisational structure and its constituents.

Regional Set-up

5.4.1 The co-ordinated organisation of the various prison and correctional services will naturally require a decentralisation of administrative and financial powers on a rational basis. As far as the prison administration is concerned, the All India Jail Manual Committee had recommended that, in the larger States, the set-up may be reorganised on a divisional basis with a Deputy Inspector General of Prisons, in charge of each divisional headquarters and that powers be decentralised and delegated to facilitate quick and efficient handling of various problems relating to the correctional administration. States like Maharashtra and Gujarat have already provided for a regional set-up with the machinery necessary for inspection, supervision and control. We recommend that each State should divide its territory into suitable regions on the basis of the workload, problems, state of communications and other relevant considerations and place them under the charge of Deputy Inspectors General of Prisons with adequate administrative and financial powers and technical resources. The Regional Officers should liaise with the regional authorities of the other allied Departments, for ensuring necessary co-operation in the smooth running of the departmental programmes. In the larger frame-work of Social Defence visualised by us, the creation of a regional set-up may be necessary for the youth

corrections, probation and after care services also.

District Set-up

5.5.1 The District set-up of the prison departments consists of various types of penal and correctional institutions ranging from Central Prisons to Sub-Jails. The administrative and organisational requirements of each institution vary in accordance with its security conditions, discipline, programme contents, inmate population and the distribution of functions amongst the staff. Traditionally, the institutional organisation at the district level has been based mainly on the custodial and security requirements. In pursuance of the recommendations of the Indian Jails Committee, 1919-20, wholtime superintendents have been appointed in the larger District Jails. In other District Jails, Civil Surgeons still continue to be employed as parttime Superintendents. This system suffers from several handicaps. The Civil Surgeons are unable to do justice to the statutory responsibilities attached to the post of Superintendent, in addition to their regular medical duties. They can, at best, pay hasty visits, leaving the administration entirely in the hands of the jailors. They find it physically impossible to exercise regular supervision and control over the various prison operations, nor are they adequately equipped to deal with the intricate problems of the prison administration. It is, therefore, recommended that all District Jails with

an average population of 300 prisoners and upwards should be headed by whole-time Superintendents, specially trained and equipped to perform their duties. Deputy Superintendents may be appointed in Central Prisons and in District Jails which have an inmate strength of the level of Central Prisons.

5.5.2 The specialised branches of probation, youth and adult correction and aftercare will have to be developed in accordance with their statutory requirements and the number of institutions and persons to be looked after in the different districts. The probation and youth and aftercare services are rendered through Probation Officers, Borstal Schools, Aftercare Home etc. These services will need to be expanded and rendered through whole-time officers, who are not burdened with any other duties, to ensure a uniform coverage in every district.

Sub-Jails.

5.5.3 The Sub-Jails in the tehsils/taluks/sub-divisions of districts are, at present, placed, in a number of States, under the control of part-time Superintendents from the Medical, Revenue or Judicial Departments and are guarded by policemen. The facilities provided in most of these sub-jails are woefully inadequate and the general conditions are thoroughly deplorable. An offender whether guilty of a criminal offence or involved

in a political or other agitation, is first lodged in a Sub-Jail in all places other than the district headquarters. It is desirable, therefore, that his first experience of jail custody should not be such as to bring discredit to the entire penal system of the country. It follows that a planned and systematic improvement of the Sub-Jails all over the country should be an item of high priority in jail reforms. The present state of affairs is due to the fact that while officers who are required to function as part-time Superintendents of Sub-Jails have their own important duties to perform and are not in a position to devote adequate time and attention to the supervision of the Sub-Jails, the existing arrangement makes no provision for higher level inspection and control by officers of the Prison Department. We are firmly of the view that all institutions in which offenders are kept in judicial custody should be administered under the direct authority of the Inspector General of Prisons. We consider it necessary, therefore, that all Sub-Jails should be provided with a full-time Superintendent of the Jail Cadre of appropriate rank and an adequate number of Warder Staff for custodial duty. Such an arrangement will bring the Sub-Jails under the inspection and control of the District and Regional Officers of the Prison Departments.

The Staffing Pattern

5.6.1 The staffing pattern of the prison-department, at present, consists of four major groups, three on the administrative side, viz., the warder or guarding staff, the middle level supervisory officers and the higher level executives of the establishment, and a fourth one consisting of the specialists and technical men at various levels. In most States, the guarding staff consists of three ranks, Warder Grade II, Warder Grade I or Head Warder and Chief Head Warder. In Maharashtra, two intermediary ranks under the nomenclature of Naik and Jamadar have been introduced between the Grade II Warder and the Head Warder, and the Head warder and the Chief Head Warder respectively. The middle level officers are generally designated in most States as Assistant Jailors, Deputy Jailors and Jailors. In West Bengal, there is an intermediary category called Sub-Jailors (in charge of Sub-Jails), chosen from among the ministerial staff and more or less equivalent to Assistant Jailors. The pattern differs radically only in Maharashtra, where there are only two categories, Jailors Grade II and Grade I. At the higher level of Superintendents most States have three categories, Superintendent, District Prison Grade II, Superintendent, District Prison Grade I and Superintendent, Central Prison. In Tamil Nadu, however, all prisons are in the charge of Superintendents in

the same grade, except for one post of Selection Grade Superintendent. Some States have additional Superintendents, while others have posts of Deputy Superintendent. The appointment of specialists and technicians in Jail establishments, wherever it is done in the country now, is also made on an ad hoc basis.

Rationalisation of Rank Structure

5.7.1 What is important at this stage in the development of the prison administration in the country is the building up of the organisation, especially at the grass-roots level, so that a solid base is built up and an opportunity is provided whereby the right type of talent is attracted to man the prison services and a large enough cadre of suitably qualified, trained, experienced and dedicated persons is built up to meet the requirements of the Prison and the Correctional Administration. The Model Prison Manual contains scientific guide-lines for building up the institutional organisation on the basis of specialised functions and resources. It provides for executive, medical, psychiatric, correctional and social work and educational, technical, agricultural, and office administration services. The functions and duties of the various branches have been dealt with elaborately. As far as the prisons are concerned, we feel that the three-tier rank structure of the warder staff prevailing in most States is adequate.

However, the States may provide intermediate promotion opportunities, with additional pay or special pay as considered appropriate. Similarly at the middle level, the three-ranks of Assistant Jailor, Deputy Tailor and Jailor should meet the needs of the supervisory administration in the Jails, except that the Sub-Jailors could very well be integrated with the Assistant Jailors. Again in the cadre of Superintendents, for normal postings and promotions such a three-tier system will suffice, reserving the post of Deputy Inspectors General and Inspector General as selection appointments. But it will be necessary to arrive at a uniform pattern of rank structure by fixing the lowest level of Superintendent as a common denominator, integrating Deputy Superintendents, Additional Superintendents and District Jail Superintendents Grade II into equivalent categories. From this base they could go on promotion as regular Jail Superintendent/District Jail Superintendents Grade I and later as Selection Grade Superintendents/Central Prison Superintendents. In the last mentioned grade, each State should have an adequate number of posts.

5.7.2 The Indian Jails Committee, 1919-20 had laid it down as their first recommendation that ' the prison establishment should be divided into two branches, one executive and the other clerical and that they should, to a great extent, be separate and independent, although in the smaller jails complete differ-

bifurcation may not always be possible and that they should be separately recruited'. The subsequent Provincial Committees endorsed this view and strongly advocated a bifurcation of the staff into executive and clerical branches. The All India Jail Manual Committee, 1957-59, reiterated the recommendations and called upon the States to take concrete steps in this direction. Although a beginning has been made in several States in this regard, these functions continue to be largely amalgamated. We recommend, therefore, that the process of separating the executive and the clerical staff should be speeded up.

Technical and Specialist positions

5.7.3 On the administrative side of the prison set-up, we have dealt with the horizontal slabs of the rank structure at the basic, middle and higher levels. But when it comes to technical and specialist positions, it is more appropriate to consider the matter vertically. In this group also, there will have to be a three-tier organisation, consisting firstly of the front-line skilled workers and technicians with qualifications equivalent to the Industrial Training Institute Certificate following a basic educational level of 8th Standard, secondly of the middle level Instructors and Supervisors with appropriate Diplomas from Polytechnics after matriculation, and finally of the graduates and post-graduates at the higher level Factory Managers

or Work Superintendents and other Specialists, including Medical Officers, Clinical Psychologists and Correctional Social Workers. In many of our prisons, executive officers of the jail cadre, who have either been given brief spells of training or have acquired some experience over long periods, are posted to technical charges at the different levels. It will be better to appoint only well qualified specialists to such positions. The only difficulty that has been felt in this connection is the limited promotion prospects for those technical men who join at the lower levels. At least at the higher level of specialists, it may be possible to get qualified men on deputation from the concerned Government or University departments. A two year posting to such assignments may be considered in their case as mandatory and a special qualification for advancement in their respective cadres. But in respect of the others, it is necessary to streamline the positions, qualifications and promotion prospects on the basis of some reasonably satisfactory standards.

5.7.4 The importance of providing technical hands to supervise and control prison industries has been repeatedly stressed by various prison committees starting from 1919-20 onwards, but, due to the lack of financial resources, prison industries are still largely supervised by untrained and ill-equipped guarding staff assisted by convict overseers. The

lack of technical supervision has been the main factor in the slow and tardy progress of prison industries in the country. It is, therefore, recommended that Jail industries should be supervised by technical hands consisting of trained instructors, factory supervisors and factory managers in the larger prisons. Similarly, successful agricultural operations in prisons require supervision and guidance by trained and skilled personnel.

5.7.5 The correctional staff at the institutional level includes teachers, welfare officers, psychologists, psychiatrists, physical instructors, etc. Special institutions for adolescent offenders, habitual and hardened criminals, handicapped prisoners, etc. will require additional staff resources to cope with their specific needs and requirements. The scheme for the appointment of Welfare Officers initiated under the Second Five Year Plan has failed to make the desired impact, primarily due to the lack of proper understanding and acceptance of the welfare function in jails. Psychologists and psychiatrists have a significant role to play in the study, diagnosis and adjustment processes. Similarly, teachers have an important function to perform in reshaping and reconstructing the personality of prisoners. Systematic programmes of education, vocational training and personality reconstruction of prisoners should be introduced

in Jails under the supervision and guidance of specialised correctional staff.

5.7.6 The system of Medical Officers from the State Medical Departments has functioned smoothly in most States. With the appointment of a Chief Medical Officer at the headquarters of the Inspector General of Prisons, the medical care, treatment and mental hygiene of prisoners will receive due attention and guidance. However, it will be necessary to provide adequate incentives to the medical staff drawn from the State Medical Department, as service in prison is more than ordinarily arduous.

Co-ordination at the District level

5.8.1 In the sphere of crime control, the judiciary, the police and the correctional agencies have to function in a co-ordinated manner. To achieve better co-ordination and understanding among the law-enforcement and the correctional agencies, a Committee may be set up in each district under the chairmanship of the District Magistrate, consisting of representatives from the magistracy, the police, the judiciary, the prison administration and also other official and non-official agencies engaged in correctional work to review the problems in this field and to take suitable action, as necessary from time to time. In addition, arrangement should be made for senior judicial officers to visit prisons as a regular part of their duties and to make

such recommendations in respect of individual inmates as they may consider desirable.

5.8.2 The prison administration should also associate citizens and non-official social welfare agencies with the work of the treatment and rehabilitation of offenders in a systematic and planned manner through the institution of Jail Visitors and otherwise.

Co-ordination at the State level

5.9.1 The All India Jail Manual Committee, 1957-59, had recommended the setting up of a State Advisory Board for the Correctional Administration in each State. The objectives, composition and functions of the Board have been outlined in the Model Prison Manual. Advisory Boards have been set up in several States with the Minister of Jails as Chairman. We recommended that the remaining States may also constitute such Boards. They would go a long way not only in speeding up the progress of developmental activities in the correctional field and establishing a co-ordinated approach to the problems of the correctional administration, but would also help in generating a climate conducive to the furtherance of social defence programmes and their acceptance in the community at large. In addition, a conference of the heads of the prison and correctional institutions and agencies should be held at the State level annually to help maintain a progressive outlook in the prison and correctional administration as a whole.

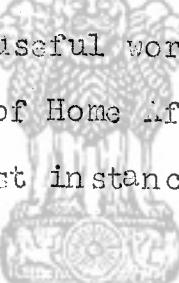
Inter-State Co-ordination and the Role of the Central Government

5.10.1 In order to facilitate the uniform development of the prison and correctional administration throughout the country, there should be an annual conference of the Inspectors General of Prisons, who will also be Directors of Correctional Services. This Conference may be organised by the Central Bureau of Correctional Services.

5.10.2 We have recommended in Chapter IV that the Constitution should be amended to include the subject of prisons and allied institutions in the Concurrent List so that a new prison legislation can be enacted by the Government of India for uniform application throughout the country. We have also recommended that the development of the Prison and Correctional Administration should no longer remain divorced from the national development process. We consider it necessary, therefore, that the Government of India should take a continuing and active interest in the development of the Prison and Correctional Administration in the various parts of the country. We believe that the best agency for this purpose will be the existing Central Bureau of Correctional Services. The Bureau has already been concerned with various activities relating to the prison and correctional services. We feel that the manpower and financial resources of the Bureau should be suitably strengthened to enable it to act as an

adviser to the Central and State Governments in matters relating to the Prison and the Correctional Administration effectively.

5.10.3 The large amount of work being done in the country at present in the field of corrections is through the prison, Borstal and probation services. Juvenile delinquency is, fortunately, still not a serious problem in the country. Work relating to such other legislation as the Beggary Acts is also not heavy. Under these circumstances, it appears to us that the Central Bureau of Correctional Services can do more useful work if it is brought back to the Ministry of Home Affairs in which it was set up in the first instance.



CHAPTER VI

INTERNAL ADMINISTRATION IN PRISONS

General Considerations

6.1.1 The internal administration in prisons is an interesting human problem, which calls for a strong sense of discipline and forbearance on all sides. The fruits of scientific studies and research in human relationship, superimposed on the experience of years, can help in the formulation of a set of healthy rules and regulations and other guide-lines. The success of the internal administration in prisons depends largely on a healthy inter-personal relationship amongst the members of the staff and between the staff and the prisoners. The prison community has its own prestige values, status symbols and traditions which guide its day to day life. A proper understanding of the prisoners in terms of their interests, beliefs and requirements and proper attitudes on the part of the staff are essential for the smooth and orderly functioning of the prison administration. The prison rules and regulations are devised for the highest common factors of community welfare, both inside and outside the prison walls. The objectives of welfare and rehabilitation have, therefore, to be achieved within the framework of custody and security, as appropriate to the different types of prisons and prisoners. The functioning of the administration is facilitated by the

many helpful systems of recognition and disciplinary action that have been evolved from time to time. Ultimately, it is the character, efficiency and ability of the head of the institution, which will determine the quality of the internal administration of a prison. It is necessary, therefore, that the need to strengthen the hands of the heads of prison institutions should inform all laws, rules and regulations relating to their administration.

Discipline

6.2.1 Discipline is the most vital element, on which hangs practically everything else connected with the internal administration of the prisons, including all the activities designed for the treatment, reformation and rehabilitation of the prisoners. It is but natural that effective discipline among the inmates will be possible only if there is exemplary discipline among all levels of the staff of the prison establishment. In no other area is example so much better than precept as in prison life. It is, therefore, essential to train prison personnel of all ranks to be absolutely disciplined inspite of continuous contact with various kinds of offenders all along the line of their duty. Regular and vigorous parade ground work with a smart uniform and tidy turn out, serves to instil discipline to a substantial extent. Besides, the rules and regulations, framed as a result of the experience of years to ensure the best interests of security and reformation, form the bed-rock of institutional discipline.

These should be followed and enforced without any hesitation. If lapses are punctiliously taken note of and promptly dealt with and similarly, if good work is recognised with matching alacrity, it will have a telling effect on the tone of discipline in the institution. For the rest, an honest and efficient administration, humanely and effectively enforced, can alone produce the highest standards of discipline.

The Superintendent's powers for maintenance of discipline among the inmates

6.2.2 An establishment which houses law-breakers and seeks to reform them with only a limited staff will naturally have to bank heavily on an atmosphere of discipline, for the effectiveness of its operations. Besides the physical help of the enclosures, locks and keys, the administration of such an establishment requires adequate authority to be vested legally in the head of the institution and the Department. The Prisons Act and the Prisoners Act make some provisions in this regard. Prisoners who are guilty of prison offences and breaches of the rules and regulations of jail discipline can be dealt with summarily by the Superintendent under Sections 46 and 47 of the Prisons Act and awarded such punishments as warning, change of labour, loss of privileges, separate confinement, etc. Some of the old-time punishments, such as penal diet, whipping and putting in gunny clothing are inhuman. The law may be amended to abolish such punishments. At the same time, the legal procedure

for dealing with inmates of prisons, who commit more serious and heinous offences and cannot be adequately dealt with by the summary procedure and petty punishments envisaged in the Act, with the assistance of the magistracy and the police should be spelt out more clearly in the Act. The Jail Superintendent should be invested with powers, on a requisition from the police, to allow such prisoners to be re-arrested within the prison premises if they are due for release in the interval, under intimation to the magistrate, to facilitate the investigation and disposal of the case against them. There have been instances, where such persons have had to be released in order to avoid legal complications and because of the impracticability of securing in time the competent court's orders. On such release these persons promptly absconded setting at naught the fresh legal proceedings contemplated.

Basic Facilities

6.2.1 The basic facilities and amenities, which have to be provided to the prisoners in adequate measure relate to their food, clothing, medical care, recreation, correspondence and interviews, leave and canteens. We proceed to record our observation in regard to each of these needs.

Food

6.2.2 The food requirements of prisoners vary from individual to individual, according to build, sex, age and the degree of physical activity to be under-

taken. The State Jail Manuals prescribe the scale of diet for different categories of prisoners. The Model Prison Manual contains guide-lines for determining the content and quantity of food with due regard to the nutrients required by different classes of prisoners. The scales suggested may, however, require modifications to suit the climatic conditions and the food habits of the people of the various regions of the country. Cooking devices and utensils need considerable improvement. Coal and wood should be replaced by gas as a fuel in the kitchens in prisons to ensure greater cleanliness and avoidable discomfort to the staff. A degree of decentralisation in the cooking arrangements is also desirable in the bigger institutions in the interests of greater security, prevention of unhealthy contacts between different categories of prisoners and better quality of the food provided. In addition, facilities for the storage of rations should be improved, wherever they are inadequate.

6.3.3 We find that the prisoner's food is cooked, in most States, by convict cooks, who have not received any training in this work. We consider it desirable that well-trained stipendiary cooks should be employed in all prisons to supervise the work of the convict cooks.

Clothing

6.2.4 The State Jail Manuals prescribe the scales of clothing for convicts. The superior class and under-trial prisoners are allowed to wear their own clothes. We recommend that all categories of prisoners should be allowed to wear their own clothing of prescribed patterns, provided it is clean, and subject to good conduct in matters of discipline. For the rest, clothing issued at present should be reviewed in respect of quality, life and adequacy and changes as necessary should be introduced to ensure that it does not encourage the hardening of criminal propensities. The replacement of Khadi by mill cloth, for ensuring greater economy and durability, may be examined by the States. Extra clothing, as necessary, should be provided in the hill areas and for old prisoners during winter. All prisoners should be issued with suitable footwear.

Medical Care

6.2.5 The medical facilities provided in Indian prisons are generally out of date and inadequate. The Uttar Pradesh Jail Reforms Committee, 1946, had recommended that a schedule of standard equipment should be drawn up for the hospitals of all Central Prisons and District Jails, bearing in mind the appliances and facilities needed for diagnosis and treatment. We endorse this recommendation and suggest that the existing strength of the medical staff should also be increased to ensure that the patients are attended

to regularly as necessary, throughout the day and the night on the pattern of emergency wards in regular hospitals. We recommend further that all prisoners should undergo a comprehensive medical screening on admission and periodically thereafter.

Recreation

6.3.6 Well-planned recreation has a great value for breaking the monotony and relieving the morbid atmosphere of prisons and can be used effectively not only for the physical and mental well-being of the inmates, but also as a therapeutic instrument in the multi-pronged treatment programmes.

Correspondence and Interviews

6.3.7 Correspondence and interviews provide important avenues to the prisoners for resolving their individual difficulties and for maintaining their legitimate ties with the outside world. All State Jail Manuals contain provisions regarding the number and periodicity of letters and interviews that can be allowed to prisoners. We recommend that these provisions should be made more flexible, subject to suitable and unobtrusive arrangements for censorship and monitoring and that the conditions under which interviews are conducted should be improved from the administrative as well as the humanitarian points of view.

Leave

6.3.8 The State Jail Manuals provide for the release

of prisoners on parole, furlough, leave, etc., to meet special or emergent situations in their families and to save them from the ill-effects of continuous imprisonment. Administrative and procedural delays often defeat the very purpose for which these provisions were made. It is necessary that the powers of the Government with regard to the sanction of these facilities should be decentralised and delegated to the Inspector General, the Deputy Inspectors General and the Superintendents of prisons, as appropriate, to ensure timely and prompt decisions.

Canteens

6.3.9 The system of canteens where prisoners may purchase articles out of their wages has proved very useful in providing an incentive for better work. Articles of food, personal hygiene, stationery, etc., available from canteens supplement the items issued to them under the rules. The Model Prison Manual contains a list of the articles which may be sold in the prisoners' canteens. The provision of canteen facilities should keep pace with the changing food habits and requirements of the inmates and the profits from the canteens, if any, should be utilised for the prisoners' welfare.

Convict Officers

6.4.1 The system of convict officers, consisting of convict warders, convict overseers and convict night watchmen, has been in existence since the nineteenth century. The convict warders perform within the jails

the same duties as those of the stipendiary warders of the prison staff with regard to the watch and ward of prisoners. The convict overseers supervise the prisoners' work in factories, gardens and on essential services. This system, no doubt, provides effective incentives to prisoners for good behaviour so as to achieve the extra privileges and recognition attached to these positions, besides serving as an important device for the exercise of self-control and self-discipline. However, in actual practice, there has been a tendency on the part of the staff to indulge in over-dependence and undue reliance on convict officers, often resulting in reprobations and undesirable consequences of a serious nature for the administration. The heavy work-load of the executive staff, particularly of a clerical nature, and laxity in administrative procedures give further impetus to this tendency. The question of the abolition of convict officers was examined by the Indian Jails Committee, 1919-20 and subsequent Committees. It has been generally agreed that the convict warden system should be abolished and replaced by paid warders. The United Provinces Jail Reforms Committee, 1946, recommended the abolition on the ground that the placing of one convict in a position of real authority over others is open to several grave objections. We fully endorse this recommendation. We are recommending the adoption of various alternatives to imprisonment and a diversification of prison insti-

tutions. This will bring about a reduction as well as a qualitative change in the prison population. In such a situation, convict officers will become an anachronism. However, since the total abolition of convict warders and convict overseers will entail heavy expenditure, we recommend that this system should be phased out over a specified period, starting with the abolition of convict warders, the phasing out being synchronized with the introduction of prison reforms as advocated by us. The convict night watchmen, who perform watch and ward duties within barracks during the night may, however, have to be retained, so long as prisoners are lodged in association barracks and there is no adequate induction of scientific aids for ensuring security.

Separate Institutions for Undertrials

6.5.1 Elsewhere in the Report we have advocated the establishment of separate institutions for undertrials. The arrangements for internal administration in such separate institutions will necessarily be somewhat different to those in institutions meant for convicts.

While it is true that, under the law, undertrials cannot be made to work, it has not been found difficult in most institutions to utilise the undertrials for kitchen and other maintenance services in their own sections of prisons. This practice could continue, but we would advocate the employment of stipendiary cooks for supervision in the larger institutions for undertrials. We may add that we do not consider it desirable that convicts should be utilised for such

work in institutions for undertrials. Similarly, undertrials can wear their own clothing and no special arrangements will be needed for this purpose in the separate institutions contemplated by us, except in the case of prisoners who may be indigent and who may need extra clothing depending on weather conditions. For the rest, suitable arrangements will be required in these institutions for medical care, correspondence and interviews and canteens.

The Remission System

6.6.1 The remission system, which is in force, with minor variations, in prisons all over the country, was initially devised as an incentive for good behaviour and good work. The details have been worked out under the rule-making powers of the State Governments under Section 59(5) of the Prisons Act, 1894. By and large, the system has worked well. The remissions earned are subject to forfeiture for any misconduct or breaches of discipline. The Model Prison Manual makes detailed provisions on the subject of remissions. We recommend that the extent of remissions and the conditions and procedures for granting them should be made uniform and provided for in the new prison legislation that we have recommended in Chapter IV. This will remedy the problems that arise at present when prisoners are transferred from one State to another and find themselves in difficulties as to the remission rules by which they are to be governed. It should be

recognised that the remission system helps not only in the effective maintenance of discipline in the prisons but also in the rehabilitation and treatment of prisoners.

Gratuity and Wages

6.7.1. The system of giving gratuity as a recognition for consistently good work and behaviour is yet another means adopted in some States for improving the work turn-out. This is done in accordance with rules framed under Section 59(21) of the Prisons Act. The gratuity, though small, enables the prisoner to purchase a few of his requirements of additional diet or personal needs from the canteen. But what is more important is the possibility of converting the gratuity into additional remission at a specified rate of exchange and many prisoners are happy about this provision. This scheme of gratuity is different from the wage-earning scheme that is sought to be introduced in recent times in many establishments. While in the latter case the quantum and quality of the work done by the prisoner is assessed in reasonable money value and credit is given to him for an amount, which is less than the presumptive wages by the cost of his upkeep, the gratuity is just an incentive for good work and conduct. These beneficent schemes serve the dual purpose of helping the prisoner and assisting substantially in the maintenance of discipline in the institution.

States, where such schemes are not in force, may consider the desirability of introducing them.

Panchayat System

6.3.1 The Panchayat system in the prisons strengthens the democratic participation of prisoners in matters of self-improvement and discipline. It provides an important avenue for their self-expression and helps the authorities to assess their feelings and responsiveness towards various programmes. The decisions taken by the prisoners through their Panchayats are effective and lasting. The prisoners' Panchayats function as a useful medium for assessing the felt-need of the inmates and for establishing rapport and a channel for harmonious communication between the staff and the prisoners. The community living of the prisoners can be considerably enriched by these Panchayats through various socio-cultural and moral activities. Thus, the system can be greatly instrumental in obtaining voluntary participation and adherence to healthy community living. However, the working of the Panchayats should be limited to matters of self-improvement and purposeful community living and they should not be allowed to infringe upon the enforcement of the prison rules and regulations. Properly guided, the Panchayat system can be a powerful aid for maintaining good discipline in prisons.

Emergencies

6.9.1 A sound system of security and custody of prisoners is the first and foremost requirement of the prison administration. With the emergence of the new patterns of criminal behaviour and the intake of violent, aggressive and problematic offenders in the prisons in large numbers, the custodial and security devices of our prisons require appropriate improvement, modernisation and elasticity. The increasing number of escapes from the riots and other outbreaks in prisons demand the adoption of advanced techniques and devices to control and deal with emergencies. The prison staff should be strengthened and trained not only to meet emergencies, but also to deal with difficult prisoners effectively. Appropriate inter-communication and transport systems and special equipment like tear smoke and water-hoses should be introduced in all big prisons with a view to strengthen the security measures and to improve the operation of the staff during emergencies.

Large-scale Admissions arising from Political Agitations

6.9.2 In the last ten or fifteen years, the agitational approach has gained an edge over constitutional methods for the airing or redressal of grievances, real or imagined, and this is reflected in the frequent outbreak of large scale agitations. The tempo and the frequency of such agitations is increasing progressively. In the recent past, in one particular

State alone, there have been four major agitations, each involving jail admissions, which were two to four times the approved capacity. Ad hoc methods of dealing with such situations will no longer suffice. It is essential to devise an emergency scheme, according to which the Jail Administration will be geared to handle smoothly large scale admissions in jails due to agitations. The scheme should envisage how provision should be made for the extra accommodation, staff, stores, facilities and equipment etc., that is required on such occasions.

Natural Calamities and Vandalism or other Misbehaviour

6.9.3 There have been cases of occasional emergent situations arising in prisons out of fires, floods or other natural calamities as also attempts at escape, riots and other misbehaviour. The jail staff should be adequately trained to meet such contingencies. Regular standing orders and alarm drills to manage such developments should be prepared and approved well in advance, so that none of these situations may plunge the jail administration into an unsettled state. There have been cases of prisoners going berserk and creating serious trouble and also of organised attempts at escape or prison breaking. To deal with such emergencies, without impairing the demands of custodial and security needs, which are bound to be high at such times, it will be proper to have a small emergency reserve of personnel.

specially trained in the use of fire-arms, gas-shells and water-hoses. One advantage of having such a body of men will be that some of them can be used also for routine duties when there are large scale admissions.



CHAPTER VII

RECRUITMENT AND TRAINING OF PRISON PERSONNEL

General Considerations

7.1.1 The efficiency of an organisation is determined by the calibre, training and motivation of the personnel manning it. This is particularly so in respect of organisations that deal with human-beings instead of machines. It follows that very special care and attention have to be bestowed on the selection and training of the staff, who are to man the prison and correctional administration. The selectors of personnel in this area of public administration, as in the other uniformed services, have to look for physical fitness and courage, leadership and man-management qualities as well as the dependability which is guaranteed by a balanced personality. In addition, they will have to look for endurance qualities, a broad interest in social welfare and a flair for human relationship.

Levels of Direct Entry

7.2.1 There is considerable diversity in the admission of direct recruits and the levels and percentages of their entry, vis-avis promotees and transferees from State to State. This underlines the need for rationalising the system of recruitment and promotion on an acceptable and reasonably uniform basis throughout India. We recommend that direct entry into the Prison Organisation should be restricted to only three levels - viz., Warden Grade II, Assistant

Jailor and the lowest level of the Superintendent's cadre by whatever name it is called. For warders, the prescribed educational qualification in most States is the 8th standard, side by side with the necessary physical qualifications. Following the recommendations of the All India Correctional Conference, the State of Tamil Nadu has already raised the educational qualification for warders to the S.S.L.C. Even otherwise, in most States, a good number of those selected for warders' posts are holders of S.S.L.Cs. Under the circumstances, we feel that, though on account of the salary level now prevalent, the lower educational qualification may remain for the present, S.S.L.C. qualified men may be recruited as far as possible; and, in due course, when the States are in a position to bear the additional financial burden, the qualification of S.S.L.C. should be enforced with an attendant rise in the salary-level to that of Junior Assistants in Offices. The source of recruitment for this category generally will be the Employment Exchanges and the Open Market.

7.2.2 The next level of direct entry is as Assistant Jailer. The educational qualification for this, in most States, is even now a degree and candidates with training in Social Work or Criminology and Correctional Work are preferred. This is as it should be. But we would suggest that all direct recruitment to the posts of Deputy Jailer

and Jailor should be stopped and these posts should be reserved exclusively for promotion from the lower categories of staff. The direct recruitment quota in the category of Assistant Jailors may be fixed at 50%. The other 50% should be filled mainly by promotion from the really good men among the warder staff, who qualify in properly devised promotion tests, and partly by transfer of service in a modified system of direct recruitment with age limits relaxed, from among otherwise qualified members of the ministerial staff. All such personnel should be given special orientation training preparatory to their promotion.

7.2.3 Direct entry at the higher executive level will also be for 50% posts in the lowest rank of Deputy Additional/Grade II Superintendents, chosen from among persons with post-graduate qualifications, preferably M.As. in Criminology and Correctional Administration or in Social Work, including Correctional Work, or graduates with post-graduate diplomas in these fields. The higher posts will be filled only by promotion. The procedure of selection by the Public Services Commission, both for the Assistant Jailor and Grade II Superintendent, should include a written test and an interview. The restriction of direct entry to only three levels will achieve the object of infusing fresh blood laterally at suitable levels of the rank structure, while providing opportunities for at least two grade promp-

tions between two stages of direct recruitment.

The Importance of Training

7.3.1 Planned and scientific training of the personnel at the various levels of an administrative organisation is a basic requirement of efficient management and creates an asset, which pays dividends all along the line. The need for such training is even more imperative and pressing in respect of the Prison Services. For one thing, the Prison Administration is a field where there has been a vital shift of emphasis in recent years from the objective of retributive and deterrent custody to the ideal of reformative and rehabilitative treatment. For another, the training facilities available to the Prison Services over the years have been extremely meagre and haphazard. It is small wonder, therefore, that the U.N. expert Dr. W.C. Peckless, chose to put down effective training of all officers of the Prison Services as one of his top-priority recommendations. The All India Jail Manual Committee and the Model Prison Manual have also, very rightly, reiterated this stand.

Present Position

7.4.1 Inspite of the universal acceptance of correctional work as a highly technical profession requiring systematic training and scientific techniques, a vast majority of the staff of our prisons still remain without adequate training and appropriate

orientation in respect of the modern philosophy and methods of correction. The best of academic qualifications acquired in the University, such as a post-graduate degree or a diploma in any of the Social Sciences or Social Work, with some specialisation in the correctional administration thrown in, cannot be a substitute for the initial job-oriented basic training of newly-recruited personnel, or the subsequent in-service training of such staff. Nor can mere experience, however, varied and valuable, stand in for well-developed institutional training, which alone can make the practical work that follows really meaningful and effective. Uninstructed and inadequately trained staff have been known to handicap the implementation of progressive correctional policies. If some prison officers have done well, inspite of this lack of uniform and purposeful training, on account of the rich experience they were able to gather in the field, it was because of some very relevant educative opportunities that came their way. Such training facilities as they now have, barring a few exceptions, are neither well-planned nor properly co-ordinated, and certainly not systematised according to an integrated national pattern.

Levels and Types of Training

7.5.1 The development of basic and in-service training programmes for prison officers could be rationalised at three levels as listed below:

- (i) Warders (Grade II), Warders (Grade I) or

Head Warders and Chief Head Warders - i.e.

Guarding staff, ground level and supervisory,

- (ii) Assistant Jailors, Sub-Jailors, Deputy Jailors and Jailors - i.e. middle level officers, and
- (iii) Deputy Superintendents, Additional Superintendents and Superintendents - i.e. higher level executives.

Basic Training of Warders

7.5.2 The first of these categories consists mostly of persons originally recruited at the lowest level of Grade II Warders, with a minimum educational qualification of the 8th standard. Some of them may be Matriculates, but many would stand somewhere in between. It is desirable to re-organise the training of warders as an initial training instead of the in-service affair, which it is at present. The language they understand will normally be the language of the particular State. Training institutions for them should, therefore, be available at the State level. Maharashtra, Gujarat, Madhya Pradesh, Haryana, Punjab, Uttar Pradesh and West Bengal have regular training institutions for warders. Some other States like Tamil Nadu, Kerala, Mysore and Andhra have less formal arrangements for the training of warders. The smaller States and the Union Territories take advantage of the Warders Training Institutions of the neighbouring States, which impart training in the same language. The curriculum for the basic

training of warders should lay stress on the custodial and security aspects and include a substantial quantum of Drill, Musketry, Physical Training and Unarmed Combat, as indicated in Appendix I of the Model Prison Manual, along with a basic understanding of the purpose and methods of the correctional treatment of offenders. The duration of the course may be six months. The size of each batch will depend on the size of the State and the total strength of its warders. A practical slant can be given to this training if the training institution is located close to a medium-size prison.

Basic Training of Middle Level Officers

7.5.3 Another basic training programme will be required for the middle level executive officers of the prison administrative structure. It is estimated that the total number of Assistant Jailors, Sub-Jailors, Deputy Jailors and Jailors in India, whether recruited directly or appointed on transfer, would not exceed 2,000. It is obvious that every State will not have a sufficient annual intake of officers of this category to warrant the organisation of their training at the State level. On the other hand, a Central Institution for the country as a whole cannot also provide the answer, partly because of difficulties as to the medium of instruction and partly because of the many variations in the States as to the job requirements in the field. It will, therefore, be appropriate to organise this training

regionally. By a natural process, three Jail Training Schools have come into existence in the country and have developed quite well over the years. These are the Uttar Pradesh Government Jail Training School at Lucknow, the Jail Officers Training School at Yervada, Poona and the Jail Training School at Hisar in Haryana. Many adjoining States send their prison officers for training to these institutions. It has been decided that a Regional Training Centre for Prison Officers will be set up at Vellore in Tamil Nadu for the four Southern States. This process could be continued and standardised. There is need, for example, of a similar institution in the eastern region of the country. Calcutta may be the most suitable location for this institution. The syllabus of training for Assistant Jailors may be along the lines suggested in Appendix I of the Model Prison Manual, with suitable changes in the light of the experience gained in the existing institutions and in the field. The training programme should, however, have a predominantly practical orientation and be constantly revised and developed on the basis of current scientific research and evaluation of existing correctional programmes. The duration of the course may be one year and each batch may consist of 25 to 40 officers.

Higher Level Officers' Training

7.5.4 The higher level executives who are directly

in charge of prison administration and correctional work are the Deputy Superintendents, Additional Superintendents and Superintendents of different grades. The initial training of direct recruits to these ranks will also have to be organised in the Regional Training Institutions mentioned above. The duration of the course for the higher level officers may also be one year and each batch should, if possible, not exceed 15 officers. We may add that any attempt at State level training of these officers, without an institutional programmes, can at best be an informal process, which cannot produce the desired results.

Promotion, Orientation, Advanced and Specialist Courses

7.5.5 Training is a continuous process. Generally speaking, no category of prison officials should be promoted to the next higher rank, without undergoing pre-promotion training. Nor should any member of the ministerial staff, however good, be posted to executive responsibility without suitable orientation training. These promotion/orientation courses should be of short duration and cover not only the general features and requirements of custodial and security functions, but also the basic principles of classification, correctional treatment, work programmes and other procedures of reformation and rehabilitation, side by side with the particular responsibilities of the post which the trainee will be called upon to fill.

7.5.6 The changing patterns of criminality, lawlessness and connected attitudes among prisoners, make it essential that all guarding staff should be given refresher training after 5 years of service. Some authorities are of the view that a common refresher course for all such staff would do and that promotions could be made from among those who have been put through such refresher training and tested for higher calibre of promotable material. As far as the lower level staff are concerned, either of these methods could be adopted in the States, according to the numbers that are thrown up for consideration for promotion.

7.5.7 The Regional Institutions for the middle and the higher level officers should also offer continuing education in the shape of refresher, advanced and specialist courses to such officers. In addition, officers selected for promotion will need to be put through special orientation courses before or immediately after selection. We feel that training for promotion at the higher levels should be kept separate from the ordinary refresher courses. If the mechanics of the selection of personnel for promotion is streamlined in such a fashion that it is possible to list all prospective candidates for promotion posts well in time, the organisation of pre-promotion institutional training for them can be greatly facilitated.

7.5.8 In order to avoid administrative inconvenience as also to ensure that the Prison Departments are

able to derive full advantage from the various kinds of training programmes that may be organised from time to time, it will be necessary to provide an adequate training reserve in each grade of the prison services. This can be calculated by every State for itself.

Institutional Pattern, Staff and Facilities for Research

7.6.1 The class rooms, libraries, workshops, parade and play grounds, as well as the hostel facilities in most of the existing schools leave a lot to be desired. These important training institutions deserve to be planned and built to modern and scientific specifications, with appropriate lecture halls, discussion rooms, libraries, laboratories, workshops and other facilities. The older institutions should be assisted with financial grants from the Central Plan Funds to remodel and expand the existing buildings and to put up new ones. The newly-proposed institutions should be given outright grants to lay out their campuses straightforward, according to the requisite standards. The non-recurring items constitute a material national asset measurable in terms of our plan schemes, even if the higher manpower assets so developed are not appropriately valued in these calculations. It will also be necessary to go in for modern teaching tools and connected equipment in a big way.

7.6.2 It is noticed that in many training institutions the instructional staff consist of rejects

from the regular establishment. This is a situation that needs a radical remedy. The best available talent in the field, both from the angle of character and of efficiency, with a flair for the communication of ideas and imparting instruction, should be chosen for these assignments, which have the responsibility of moulding the careers of impressionable young officers. Apart from securing the very best departmental officers, expert Clinical Psychologists, Sociologists, and Criminologists as well as Correctional Social Workers for individual and group therapy, will have to be drawn into these institutions. The problem of staffing is closely linked with the question of adequate incentives. While experts from the Universities and other academic institutions may normally come to these institutions on a tenure basis, with some deputation allowance, Prison Officers who are selected on the basis of their merit and ability should be given, not only financial compensation, but a term in such an assignment should be considered a special qualification for preferment in service. These officers could also be given opportunities for training and study tours abroad. The importance of the training of trainers cannot be over-emphasised. For this purpose, special courses on methods of instruction as well as on new developments in the field, could be provided in the National Institute to which we shall refer hereafter. It should be made possible for the

training institutions to retain the services of well-trained officers and competent experts by offering them suitable positions of prestige and adequate financial compensation in the Institution itself.

7.6.3 Modern methods of assessment of performance of the participants in the different types of courses will have to be devised. This need not always comprise of a series of end-of-course examinations. A multi-pronged and continuous process of assessment would be much better. The assessment of performance in the refresher courses can help to determine suitability for promotion or for special assignments like posting to a training institution. It will be necessary that some basic action-oriented evaluation and research work is also done in these institutions. A good sprinkling of experts and specialists in the many connected disciplines will not only raise the standards of training in the different branches to desirable levels, it will permit also of some useful research work being undertaken simultaneously.

Collateral Training Facilities for Prison Officers in Academic Institutions-

7.7.1 The yawning gap in the structure of training facilities available to the officers of the prison and correctional services and the requirements of the present situation has been to some extent covered by the opportunities provided for the in-service training of these officers in certain institutions like the Tata Institute of Social Sciences, the

Delhi, Baroda and Madras Schools of Social Work and the Departments of Psychology, Sociology, Criminology and Social Work in some Universities. These institutions provide post-graduate degree courses in Criminology and Correctional Administration or variations of it to selected young graduate officers deputed by the State Governments. A number of senior officers, holding positions of responsibility in the correctional field today are persons who have gone through such courses. These institutions of higher learning also organise occasional advanced and specialist courses for senior officers in the various facets of Prison Administration and Institutional Treatment of Offenders. Their help in developing training schedules, teaching materials and publications for courses of training conducted in jail training institutions has been invaluable. In addition, they also organise seminars and conferences, from time to time, for senior jail administrators. The Central Bureau of Correctional Services whose functions include training, research and publications, has also been organizing training programmes of various kinds for correctional and judicial personnel. These facilities should be utilised by the States to the maximum possible extent.

National Institute of Correctional Work

7.8.1 Even after all these arrangements have been established, there will still be left uncovered and unbridged sore areas of training for Prison Adminis-

tradition and Correctional Work, which cannot be filled adequately, except by a centrally-organised National Institute. Only such an Institute can bring about a fruitful exchange of ideas through discerningly organised Seminars and Conferences for senior Prison Administrators, with the participation of experts of national and international repute. Through these channels it will be possible for senior administrators of the prison organisation and experts in the correctional field to be in touch with current developments all over the world for implementing progressive prison reforms and modern correctional schemes. Only such an Institute can provide specialist courses of a high-level with up-to-date programmes as well as uniform standards, for prison officers and correctional specialists throughout India. New ideas and schemes sponsored by the United Nations agencies, can be analysed and implemented only through the forum of such a National Institute.

7.8.2 No basic training course can be envisaged in the National Institute of Correctional Services till such time as an All India Prison Service or other Social Defence Services are organised. But, even without such a course, the National Institute would have its work fully delineated with advanced courses for Prison and Correctional Officers who have a few years experience in the field. These courses may be of 3 to 4 months duration. Shorter

courses of 4 to 6 weeks might also be conducted for senior officers with longer service who are likely to be chosen for higher administrative positions. Both these types of courses will cover the latest developments in the field of prison administration in the country and abroad, along with modern methods and techniques of correctional work, diversification of institutions, classification procedures and modernisation of prison industries and agriculture, side by side with management techniques and O & M methods, appropriately tailored to the requirements of the group concerned. Shorter special courses of seven to ten days duration on particular topics could also be arranged for a cross-section of officers from different branches of the Prison and Correctional Administration and allied disciplines. One of the important functions of the National Institute will be the training of trainers for the various Correctional Training Institutions in the country. Over a number of years if a large group of officers in this field are exposed to such modern, integrated and nationally oriented training, it will have a perceptible impact on the thinking and actions of the correctional administrators in the States and thus lay the foundations of an infrastructure, on which alone it will be possible to build a thoroughly reformed and modernised prison and correctional system.

7.8.3 Apart from this, the Institute will also have a Research and Development Cell primarily engaged in studying and assessing statistically and otherwise, the existing correctional procedures and their performance ratings for devising suitable training programmes which will achieve the best results. This Cell will also keep in touch with the high level correctional training courses in the country and the personnel put through such special training, so as to arrange for a feed-back on their usefulness for the performance of work in the field. On the basis of such information, the contents and schedules of training courses will also have to be continually analysed, reviewed and co-ordinated by this Cell.

7.8.4 For all these purposes, the Government of India should consider the establishment of a National Institute of Correctional Administration as early as possible. Top-notch experts in the field should be collected together in this centre, so that it may be possible to secure the best training opportunities and guidance channels for the senior officers of the Prison and Correctional Services in India. The training programmes and assessment procedures in this institution should be such as to enable the spotting out of the best material to man the National Institute itself, apart from other important appointments in the field. It will, incidentally, serve as a general clearing house.

of ideas and a co-ordinating centre of action programmes, by bringing together senior personnel of other connected departments for a better understanding of the objectives and procedures of modern correctional work.

7.8.5 We have emphasised elsewhere in this report the importance of co-ordination between the three elements of the Criminal Justice System, i.e., the Police, the Judiciary and the Prison & Correctional Administration. The proposed National Institute of Correctional Administration should organise training courses and seminars for judicial officers, in particular, to acquaint them with the latest concepts of Criminology and Penology relevant to their work.

International Co-operation and U.N. Technical Assistance in the Field of Correctional Training

7.9.1 There is ample scope for international co-operation and United Nations technical assistance in the field of correctional training. Such assistance and co-operation could be secured not only for the training of some of our own experts, instructors and senior officers in selected institutions abroad, but also for the provision of relevant literature, teaching aids, and other equipments in our own Institutions. In this connection full advantage could be taken of the training courses available in the United Nations Institutes

in Tokyo and Rome and in similar Institutions of the Commonwealth countries. In due course, the proposed National Institute could extend its training and other facilities to the neighbouring countries under the Colombo Plan and other similar schemes of international co-operation.



CHAPTER VIII

SERVICE CONDITIONS OF PRISON PERSONNEL

General Considerations

8.1.1 The question of the service conditions of prison personnel was discussed by the 1919-20 Committee as well as the Jail Manual Committee, 1957-59, but no substantial improvement has been brought about in this respect so far. This has virtually created a dichotomy in the prison administration. On the one hand, the living conditions of the prisoners have improved, but the conditions of service of prison personnel have remained static. Indeed, in certain areas, there has been a deterioration in the latter. Prison personnel are exposed to many hardship in the course of their work. They have to work, on an average, for 10 to 14 hours per day and, during emergencies, even for 14 to 16 hours a day. They are also required to be on night duty as a regular routine. Adequate quarters are not provided to prison personnel. In some States, only barrack accommodation is provided. Sick and leave reserves are inadequate with the result that long leave to the prison staff is a rarity. Even the weekly off is not always possible. All this has a seriously adverse effect on their morale and sense of re-titude.

8.1.2 During recent years, emergencies like mass arrests, over-crowding etc., have become common and

there have been riots in the prisons in some States. The supreme need of the present times, therefore, is to maintain proper law and order in the prisons. However, this will not be possible unless the service conditions of the prison personnel are satisfactory and unless the staff members are reasonably satisfied. Moreover, during the last few decades, we have been referring to prisons as places of correction, training and treatment. It is expected that offenders leaving prisons should be reformed and their resettlement in society should be facilitated. In other words, the expectations from the prisons have gone up. It follows that it is essential that a qualitative improvement should be brought about in the attitudes and functioning of the prison staff. It is our view that a fatigued staff, subjected to domestic and other worries, cannot be expected to undertake any correctional and reformatory work in the prisons. This will be possible only when personnel, who are properly recruited and trained, are available in adequate numbers and when they are reasonably happy and contented.

8.1.3 It is widely recognized now that the conditions of service in any profession should be such as would attract and retain the best suited persons. This means that the service conditions should be related to the work to be performed, provide the necessary safeguards against the risks and handicaps involved in the profession, and afford to

the personnel not only job satisfaction but also opportunities for growth within the organisation.

Hours of Work, Pay and Allowances and Cadre Strength

8.2.1. There should be a well planned and properly regulated time table of work hours for every category of personnel. Normally, guarding personnel should not be required to work for more than 8 hours a day. Other categories of staff members should be required to keep such hours of duty as can be reasonably expected from the physical and mental capacity of the kind of persons drawn to each category.

8.2.2 Then there is the crucial question of pay and allowances. Prisons personnel are required to handle criminals and other violators of the law. They are often exposed to dangerous situations. They are now expected to be in tune with the modern theories of reformation and rehabilitation of offenders. Their duties and responsibilities have some analogy with those of the police. We are aware that the conditions of service of the police in India are also not what they ought to be. We are also aware that Government, having to employ a very large number of men for a variety of jobs have, perforce, to think of some degree of parity in jobs in different departments of parallel or near parallel grades. As the problems and the resources of the States exhibit a great diversity, we recommend only that the pay scales and allowances of prison personnel

should be determined with due regard to their own particular responsibilities, the expectations from them, the minimum necessary to attract the kind of persons required and the provisions that are made for the only other somewhat analogous service i.e., the police.

8.2.3 The strength of each category of staff should be determined on an objective basis. The factors to be taken into account are reasonable hours of duty per day, the staff-prisoner ratio, the requirements of leave, sickness and training and promotion prospects.

System of Promotion

8.3.1 The rank structure and promotional prospects in any service should be such that new entrants at the various levels of entry may, ordinarily, be in a position to look forward to at least two grade promotions in a service span of about thirty years. Promotions at all levels should go by seniority, subject to the rejection of the unfit, from among the suitably qualified persons. At the lower levels the suitability or otherwise for promotion is best determined on the basis of tests held before or after suitable courses of training. In the higher strata, such suitability can be assessed on the basis of the qualifications and experience acquired before and after joining the service and the record of performance as assessed from year to year.

8.3.2 The staffing pattern of the prisons, detailed in Chapter V will admit naturally of two grade promotions in each of its three tiers itself, if the rank-wise strength is adequate. But it is seen that, in actual practice, this criterion of promotion is most difficult of achievement in the lowest tier of custodial staff consisting of warders, head warders and chief head warders. In Uttar Pradesh, for instance, for an approximate warder strength of 5000, there are only 500 head warders and 6 chief head warders. In order to make the conditions of service in the prison establishment really meaningful for this important category of officials, who will ultimately be recruited with S. S. I. C. qualification, we recommend that the custodial cadre be restructured to a ratio of 30: 5: 1. It should not be difficult to pick out from among the various duties performed by warders, certain functions which are outside the ordinary run of custodial duties and involve a measure of original thinking, intelligent action or comparatively higher responsibility. For instance, head warders could replace warders in the position of block-in-charge, kitchen-in-charge, out-gang-in-charge, etc. Similarly, all supervisory and highly responsible posts of individual duty such as gate-keeping, tower-watching, arms in charge, factory discipline, etc., should be made Chief Head Warden's positions. The financial

commitment involved in this suggestion will not be unreasonably large and the process of restructuring could be spread over a period of five years.

8.3.3 In the two higher tiers, it should be relatively easier to provide adequate promotional prospects. Indeed, this will be facilitated if our recommendations relating to the appointment of whole-time jail officers in charge of all District Prisons and Sub-Jails are accepted. In States where the intermediate posts of Deputy Jailer or Jailer Grade II do not exist, a sufficient number of such posts should be created between Assistant Jailors and Jailors, for dealing with specific responsibilities in the hierarchy. The promotional ratio for this middle tier could be 10: 3: 1, while in the higher tier the ratio of 5: 3: 1 is suggested for regulating the cadre strength of Superintendents Grade II, Superintendents Grade I and Selection Grade Superintendents.

8.3.4 It should also be possible for outstanding persons to go up from one tier to the other. We have already recommended the abolition of direct recruitment at certain intermediate levels in the two upper tiers of the prison staff and the reservation of 50% posts of Assistant Jailors and the lowest grade of Superintendent as a promotion quota. Promotion to these posts should be based on tests/interviews by special selection boards, with the

association of the Public Services Commission, as necessary.

Facilities while on Duty

8.4.1 The following facilities should be extended to prison personnel while they are on duty:-

- (i) Rest rooms for the use of staff members who are required to wait in the institution in between their duty periods. Smoking should be allowed in these rooms and a few beds should be provided for the night duty staff;
- (ii) Canteens;
- (iii) Bath-rooms and lavatories;
- (iv) Lockers;
- (v) First-aid facilities;
- (vi) Torches and boots for night duty.

Housing, Medical and Educational Facilities

8.5.1 Suitable rent-free quarters should be provided for the staff required to live on the premises in the vicinity of the institution. Till such time as Government quarters are not available, staff members should be given adequate house-rent allowances. Messes should be provided for the staff accommodated in barracks. All housing arrangements should include facilities for games and recreation.

8.5.2 Adequate prophylactic and medical facilities should be provided to the staff and their families in the prison institutions so that the Government orders in this regard for public servants in general are available to the prison staff in reality.

and not merely on paper.

8.5.3 The following facilities should be extended to the prison staff for the education of their children :-

- (i) Transport at Government cost or, in the alternative, suitable transport allowance in cases where the institution is located more than 5 Kms away from the nearest school/college.
- (ii) Hostel accommodation for children of transferred and other staff members. Where independent hostels cannot be set up, seats should be secured for the children of the staff in other hostels.

Awards

8.6.1 Provision exists in the defence, police and fire services for the recognition of gallantry and meritorious/distinguished service. The custodial staff of the prison also constitute a uniformed service. Their duties are important and arduous and have an element of risk as they have to look after dangerous prisoners also. The Government of India should institute suitable medals for award to prison personnel for the recognition of bravery/meritorious service. This will be a great boost to their morale.

Protection from Damages

8.7.1 Necessary facilities for defence should be

extended to the staff members in the event of criminal prosecution/civil proceedings arising out of bona-fide discharge of official duty. So also legitimate protection should be extended to personnel in matters related to the recovery of damages for bona-fide delays, errors of judgment, etc.

8.7.2 Members of the custodial staff sometimes die or are disabled in the discharge of their duties. Suitable provisions should be made for the grant of extra-ordinary pensions in such cases.

Welfare

8.8.1 A welfare Fund should be created for providing help and amenities to the prison staff and their families. The fund could be developed from monthly subscriptions from the staff, voluntary donations, subject to rules framed by Government, interest accruing on investments, benefit performances by artists, theatrical parties, cinemas, etc., donations from co-operative credit societies, profit of the co-operative shop and subsidies from Government funds.

The State Governments should make matching contributions to the Staff Welfare Funds.

8.8.2 The benefits to be provided to the personnel and their families out of the Welfare Fund should include medical aid where more than ordinary medical help is required and is beyond the economic capacity of a staff member; aid for the higher or technical education of children; facilities to the family

members of the staff for running cottage industries and handicrafts like sewing, spinning, cottage match manufacture, etc; and ex-gratia payment on the death of a member while in service. There should be a Central Committee in the Inspector General's Office to administer the Welfare Fund. At the institutional level, monthly staff meetings should be held, in which the members should be given opportunities to discuss their welfare problems.



CHAPTER IX

CLASSIFICATION OF PRISONERS AND DIVERSIFICATION OF INSTITUTIONS

Objectives of Classification

9.1.1 Scientific classification is a beneficent development in correctional work with prisoners. It is the elaborate process of studying each prisoner and subsequently developing an individualised programme concerning his custodial care, medical, psychiatric, psychological and correctional social work treatment and educational, vocational training and work programmes, etc., appropriate to his needs.

9.1.2 Classification permits a planned approach to the problems of the prisoner as a whole, instead of subjecting him to the dissociated efforts of the different departments of a prison. It follows up the actual progress of the prisoner at suitable intervals, and sometimes provides for major or minor adjustments in the programme. Also, classification enables excellent co-ordination between prison and after-care by organising the prisoner's programme in such a way as to effect his release at a point when he has derived the maximum benefit from his stay in prison.

9.1.3 Classification leads to administrative convenience in so far as it helps to segregate the inmates into homogeneous groups for the purpose of treatment.

Procedure of Classification

9.2.1 A Classification Unit is absolutely essential for providing classification facilities in a prison. This Unit enables the diagnostic study of the prisoner and it is here that data relevant to the classification process are assembled. All identification data regarding the prisoner are compiled prior to classification. He is subjected to a medical examination to know his physical condition and to prescribe treatment, if found necessary. If a psychiatrist is available, he examines the prisoner to provide psychiatric data regarding him. Psychological tests of intelligence, aptitude and interest are administered during this period. In addition, officers of different prison departments responsible for education, vocational training and work programmes exhaustively test and interview the prisoner to ascertain his interests and potentialities in different areas.

9.2.2 The case history of the prisoner is systematically compiled by a prison officer with special training in correctional social work. He too interviews the prisoner and does extensive correspondence to collect data. The case history specifically includes significant facts relating to economic condition, companions, leisure time activity, marital relations, etc. Talks describing the opportunities available in the prison are given by different officers who repeatedly assess the prisoner's needs in the areas of education, vocational training and work programmes.

9.2.3 Elaborate reports from different tests, examinations and interviews are compiled in what is called the admission summary which is composite in presentation and includes items such as committed name, true name, register number given at the institution, date of birth, age, place of birth, marital status, sentence, date of commitment, eligibility for premature release/parole, date of expiration of sentence, previous criminal record, circumstances of present offence, relatives, employment, suggested release plans, social history, sources of information, report of medical examination, results of psychometric tests, and psychiatric examination, if any, educational and occupational data, report by the officer in charge of the Classification Unit regarding adjustment, etc.

9.2.4 Copies of the admission summary are circulated among different members of the Classification Committee prior to the classification meeting. Before calling the prisoner inside the committee room, the prison officer in charge of classification first presents a brief review of the case of the prisoner. The Committee discuss the case and tentatively decide on a programme relating to degree of custody, corrective social work, medical and psychiatric treatment, educational and vocational training and work assignment, etc. The prisoner is then brought inside the committee room and the tentative programme is discussed with him, and, if necessary, it is partially

modified to suit the urgent needs and active interests expressed by him.

9.2.5 The programme objectively defined at the classification meeting at admission covers many-sided aspects of the prisoner's life in prison and it is materially altered only if he is reclassified subsequently. Reclassification is done by a sub-committee consisting of some members of the main Classification Committee. The classification procedure can also help to determine the specific institution to which a prisoner should be sent out of several available facilities.

9.2.6 There are various factors which limit a scientific classification of the prisoner and restrict the development of balanced programmes. These are scanty data regarding the prisoner, lack of co-operation on the part of the prisoner, inadequate release plans, insufficient duration of commitment, financial needs of the prisoner, need for greater degree of custody, inadequacy of existing institutional facilities to meet needs, institutional needs in regard to maintenance and related services, and personality problems of prisoners.

Introduction of Classification

9.3.1 We recommend that scientific classification should be introduced in our prisons for all convicts sentenced to imprisonment for one year or more. This will keep the work of classification within manageable

limits and will help in the treatment of prisoners who can benefit from correctional programmes.

9.3.2 The Superintendent of the institution should serve as the Chairman of the Classification Committee. Its members will include the Deputy Superintendent, the officers in charge of Education, Vocational Training and Work Programmes, the Medical Officer and the Correctional Social Worker. Experts like Psychiatrists, Psychologists etc., should be associated with the Classification Committee even if they are appointed only on a part-time basis. The prison officer in charge of the Classification Unit should serve as the Secretary of the Committee.

9.3.3 The introduction of scientific classification will require the development of a sound system of the compilation of relevant information about prisoners by the police, probation officers, courts, employers and local authorities, etc. We recommend that the details of such a system should be worked out by the Central Bureau of Correctional Services, in consultation with the Bureau of Police Research and Development and appropriate experts, for circulation to the States/Union Territories.

Diversification of Institutions

9.4.1 As mentioned in this report earlier also, our prison system does not provide at present for separate institutions for different types of offenders, except for the fact that, in recent years, minimum security open institutions have been firmly

established as parts of the prison system to serve adult offenders. We recommend that the prison system should broadly classify and assign prisoners to different institutions, based on factors such as age, sex, likelihood of escape, need for educational and vocational training programmes, capacity for work, possibilities of rehabilitation, etc.

9.4.2 In other words, institutions should be diversified to provide for separate facilities for children, young adults, non-habitual adult offenders, habitual, professional and organized criminals, offenders who are difficult discipline cases, women offenders, offenders suffering from mental disorders, old and infirm offenders, leprosy and T.B. cases and undertrial prisoners. Besides, minimum security open institutions should be developed in the State which do not have such institutions at present in adequate numbers.

9.4.3 We are recommending that the maximum capacity of a central prison should be 750 inmates and of a district prison 400. States with large prison populations may expand and upgrade some district prisons to central prisons so that all prisoners with sentences of over one year could be placed in central prisons, as far as possible.

CHAPTER X

TREATMENT SERVICES AND WORK PROGRAMMES IN PRISONS

Treatment Services

10.1.1 The introduction of a system of classification of prisoners and the diversification of institutions will call for the provision of systematic and adequate treatment services in prisons.

10.1.2 The basic assumption in planning treatment is that criminal behaviour is a malady arising from a long-drawn out faulty background, which may be in the realm of the bio-physico-organic situation of the prisoner or his hereditary influences, or his social, economic, emotional and environmental situations. The malady may be deeply rooted in the early upbringing, parental influences and early childhood deprivations and frustrations. The objective of treatment is to devise techniques of correcting the effects of the long-drawn causative factors, in the controlled atmosphere of the prison campus, utilising the helpful factors in his personality, family situation and attitudes and approaches, thus helping the prisoner to reconstruct his life pattern with increased capacity for adjustment to the socio-economic situation and healthy inter-personal relationships and skills to earn an honest livelihood. This complex process of treatment will cover four separate areas i.e., medical and psychiatric, educational, vocational training

and correctional social work.

10.1.3 The final outcome of the treatment services can be measured only in terms of the prisoners acquiring a better self-image and a self-confidence based on trust in and respect for human personality, which can prepare them for a more harmonious life in the community outside.

10.1.4 It has been seen that such treatment services as are in existence today completely leave out the women prisoners, except perhaps for partial medical care. The barracks for women prisoners are practically devoid of any treatment services and most of the time there is no well planned programme or work of any description. This situation needs to be remedied without delay.

Medical and Psychiatric Treatment

10.2.1 We have already referred to the medical facilities that should be available in prisons in Chapter VI. The intimate association of medical personnel in the contemporary prison administration in the country does not, by itself, ensure adequate medical diagnosis and treatment. Apart from physical examination and treatment for common ailments, coupled with opportunities for specialist treatment in the civil hospitals, a prison medical department should constantly attempt to remedy defects that may have a direct bearing on the prisoners' behaviour. In this connection, we would like to empha-

sise that attitudinal and behavioural transformation is a difficult process and requires the induction of psychologists and psychiatrists in the prison administration.

10.2.2 Apart from providing treatment, Psychiatrists and Clinical Psychologists can assist in testing and diagnosis based on intelligence, aptitude and personality tests. The findings of the Psychologists are useful also in provisionally estimating the future potentialities of prisoners. In most States, even the part-time appointment of prison Psychologists has not received the favourable attention it deserves, though there is a plentiful supply of persons with valuable training in Psychology who can enrich the prison programmes. We recommend that Psychiatrists and Clinical Psychologists should be appointed on a whole-time basis in all the Central Prisons and on a part-time basis in the larger District Prisons.

Educational Treatment

10.3.1 Formal, social and moral education is indispensable in the process of treatment. The acquisition of the three R's gives a person a sense of confidence and a better self-image. Even short-term prisoners, who may not profit by any vocational training, can be made literate within the few weeks they might spend in a prison. This basic programme has somehow missed the attention of prison

departments. Even after years of incarceration, many prisoners come out as illiterate as they were at the time of admission. Modern techniques of teaching adults have not found an entry into the prisons and the outmoded frustrating methods fail to arouse any enthusiasm among the prisoners. There is great scope for utilising the talents of the educated prisoners for the instruction of the illiterate and the semi-literate. Audio-visual methods and the mass media could also be mobilized for imparting formal education in prisons. We recommend that there should be a daily routine of formal education in the programmes of the prisoners needing it. This part of treatment should neither be optional nor an additional activity at the end of the working day or in the evening. It will be necessary to make adequate arrangements for textbooks, class rooms and trained teachers, for this purpose. Libraries, daily newspapers, magazines, outside lectures, debates, recreation, sports, observance of national events and festivals, and symbolic functions based on our historical and cultural traditions can contribute a great deal to widening the horizons of the prisoners. This process can be greatly assisted by a proper selection of moral lectures.

Vocational Training

10.4.1 Vocational training is often taken to be synonymous with work programmes in prisons. However,

vocational training has a specific place of its own, in terms of therapy. Mostly, the life-style of a prisoner reflects his insufficient knowledge of any systematised vocation or trade. The process of drifting from one job to another is often a prelude to a criminal career. Systematised vocational training, depending upon the individual aptitudes and preferences, imparted by qualified instructors can make a positive impact in correctional treatment. A suitable programme of vocational training should be drawn up for each prisoner and he should be assigned to production programmes only after he has acquired the minimum basic skills required. Long-term prisoners should be given opportunities for learning multiple skills. This will help them in their rehabilitation and resettlement in society.

10.4.2 The educational and vocational training programmes in jails should be developed on the standards and requirements laid down by the State Education and Technical Education Departments. The training received in jails may have to be continued in after-care institutions after release with a view to obtaining recognized Diplomas or Certificates. Besides the standard recognized courses, condensed courses, which may get some degree of broad recognition from the concerned departments, can also be evolved for prisoners.

Correctional Social Work

10.5.1 Under the existing conditions, the prisons

are staffed primarily to meet the imperative requirements of custody and the maintenance of essential services. In the majority of the prisons, correctional treatment personnel are not available today, though in some large and special institutions, a few members of the staff are infrequently assigned to treatment functions on a full-time or part-time basis.

10.5.2 There is a positive contribution to be made by the professionally qualified correctional social workers in the treatment of prisoners. In fact, the team of psychiatrist, psychologist and the social worker can evolve various techniques for the treatment of offenders through the methods of case-work, group-work and community-work. The anti-social attitude of the offender has to be unravelled and opportunities provided to him to understand his own drawbacks and create in himself a desire to learn a new way of life.

10.5.3 Besides the economy resulting from low investment on personnel, group methods of treatment have certain immediate and permanent advantages over individual methods. Group methods enable a larger coverage by the treatment services and promote the active participation of different levels of staff in group discussions and other programmes. The programme of scouting, which aims at achieving a wholesome growth of human personality and character, can be organised purposefully in prisons.

10.5.4 We recommend that all prison personnel,

including the security staff, should be motivated to contribute consciously, even if in a limited way, to the treatment process, as there is no conflict of goals among the custodial and correctional personnel working in prisons.

General Considerations relating to Work Programmes

10.6.1 The organisation of work programmes in prisons has always posed a number of problems. Our legal system provides for two kinds of imprisonment, rigorous, that is, with hard labour, and simple. Every prisoner sentenced to rigorous imprisonment is required to work subject to his physical and mental fitness as determined by a medical officer. Prisoners sentenced to simple imprisonment, however, are not required to work at all at present. The terms for which prisoners are sentenced to imprisonment vary from under three months to life, which amounts to 20 years. Besides, prisoners are lodged in three types of institutions i.e., Central Prisons, District Prisons and Sub-Jails, the facilities in which vary within a wide range. The result of all this is that there is unemployment, under-employment and over-employment in different institutions, depending on the numbers of the inmates, their sentences and the facilities available.

10.6.3 It is our view that the present situation is fraught with many dangers. Unemployment or under-employment, under-supply or over-supply of labour leads to many irksome problems in prisons,

which undermine prison discipline and sometimes leads to explosive situations. The question of providing adequate and useful employment to all prisoners who can be employed should, therefore, receive serious consideration in the re-organisation of the prison administration in India.

10.6.3 If labour in prisons, although conceived of as a punishment by the law has, in fact, to be conceived of as an activity designed for the rehabilitation of prisoners and their safe return to society, it should promote habits of industry and should lead to the inculcation of suitable skills which may assist the process of rehabilitation. The work programmes should, therefore, be integrated with and serve as extensions of the treatment services provided in prisons, instead of being a means simply of utilizing the labour of prisoners as exigencies permit or require.

10.6.4 We have recommended the introduction of scientific classification for prisoners sentenced to imprisonment for one year or more. We may, therefore, deal with the question of work programmes in prisons for prisoners sentenced to imprisonment of less than one year and for one year or more separately.

Work Programmes for Prisoners Sentenced to Imprisonment of less than One Year

10.7.1 Periods of less than one year are generally not adequate for the development of skills. Prison-

ners in this category may, therefore, be utilised partly in the maintenance services in prisons and partly on prison farms wherever they may be available. The Inspector General of Prisons should decide the number of such prisoners who should be retained in different prisons. All other short-term prisoners sentenced upto one year may be transferred to Work Camps which should be organised in each State as necessary. These camps can be set up for work such as digging of canals, water channels, construction of bunds, bandharas, government buildings, soil conservation, land development, etc. With proper planning and co-ordination with the Public Works, Irrigation and Forest Departments etc., it should be possible to establish such Work Camps at suitable places, from time to time. As short-termers constitute the bulk of the prison population, such a scheme will lead to an effective integration of prison labour with the national economy and will also help the prisoners psychologically in their reform and rehabilitation.

10.7.2 Incidentally, the diversion of short-term prisoners to Work Camps will make the central and district prisons handy units. Many of the administrative and management problems will be reduced and it will become possible to improve the programmes of care, welfare, discipline, education and training in prisons substantially.

Work Programmes for Long-termers

10.8.1 Prisoners sentenced to imprisonment for periods of more than one year should be given work on the basis of their classification and treatment. This will have to be provided in three broad areas, i.e., industry, agriculture and maintenance services.

Prison Industries

10.9.1 It is observed that our prisons do not have a properly planned employment and production policy. Prison industries and work programmes have developed on the basis of conventions and practices, which prevailed in the prison set-up during the nineteenth century. The continuation of industries on the basis of the old practices leads to high costs of production and industrial inefficiency. It is our view that it is high time that these out-moded conventions and practices are replaced by modern management techniques. We have recommended that the supervisory personnel of the prison department should be imparted training in industrial management. Such training will equip the personnel with a scientific approach in regard to industrial efficiency as well as effective man-management.

10.9.2 The existing prison industries such as textiles, tailoring, carpentry, leather work, soap and chemicals, sheet metal, cane and bamboo work, smithy, foundry, bakery, bidi-making, printing etc. need a thorough overhaul. Most of these industries

are outdated and they should be modernised as speedily as possible. Each State should evaluate its prison industries with a view to improve the work methods and the range and quality of the goods manufactured with a view to providing adequate employment to prisoners and also modernising the training programmes in the prisons.

10.9.3 The reorganisation of prison industries and vocational training programmes should be integrated with the allied Plan schemes. Priority should be given to such industries and vocational training programmes as would equip a prisoner to get a job after his release from prison.

10.9.4 In the larger States, prison industries should be diversified on a regional basis. Each region should have a sufficient variety of prison industries, so that prisoners can derive advantage from diversified work programmes. The central and district prisons should be treated as basic units for programmes of diversified industries.

10.9.5 Prison industries should be classified as principal and subsidiary industries. In central prisons, both principal and subsidiary industries can be organised properly. In district prisons, it may be possible to set up only subsidiary industries. Handicrafts could be ancillary activities to principal and subsidiary industries.

10.9.6 We recommend the following priorities for

prison industries: (1) articles required for the maintenance of prisoners; (2) articles required by the Prison Department, other State Government Departments, Central Government Ministries/Departments such as Railways, Posts and Telegraphs, etc., and autonomous bodies, municipal bodies, co-operative societies, etc; (3) handicraft articles which have a local and/or outside market; and (4) articles for public sale. Such sale should not, however, involve unfair competition with any outside cottage or small scale industry.

10.9.7 It has been recognised that planning is an essential pre-requisite for industrial efficiency. It is necessary to plan prison industries in terms of adequate monetary provision, physical facilities, full utilisation of manpower, availability of raw materials, equipment and stores and an efficient management organisation for production programmes, sales and disposal.

10.9.8 We recommend that prison industries should be planned at three levels i.e., in government departments which are expected to place orders with the prison department, in the office of the Inspector General of Prisons, and in each Central and District Prison.

10.9.9 Prison products should be standardised in terms of specifications, patterns, designs and quality of products; type, quality and quantity of

the raw materials required; equipment, tools, accessories and consumable stores required; unskilled, semi-skilled and skilled man-power required for each operation; and wages to be paid to prisoners for the separate operations involved in each type of product or job. Catalogues of standardised prison products should be prepared for each prison industry to help in organising sales.

10.9.10 The present work programmes in prison industries should be evaluated by experts in work-study methods. This would be helpful in understanding as to which work methods need to be discarded and which need to be improved. The work-study of different prison industries would be very helpful in eliminating wasteful and uneconomic methods of work and production. They would also be helpful in putting prison industries on a sound economic basis.

10.9.11 A definite wage policy should be adopted for prison labour. The present practice of doling out a few paise for an output over and above the assigned tasks discriminates in favour of the more skilled prisoner. We understand that even this is not universal in all States. A more liberal system of wages based on market rates minus the computed cost of maintenance should provide a greater incentive for higher and better production.

10.9.12 A Depreciation Fund should be set up for prison industries by ploughing back the profits from prison industries. The Inspector General of Prisons should be authorised to make annual replacements of equipment, accessories, spare parts, etc., from the depreciation fund. This would facilitate the smooth running of work programmes in prisons.

10.9.13 The following facilities should be provided in work-sheds and places where prisoners work; protection from heat, cold, rain, dust, smoke, fumes, gases and chemicals; damp-proof work areas; drinking water; spittoons, urinals and latrines; washing facilities; and first aid facilities. In addition, safety and fire-fighting equipment and accident and fire prevention measures should be provided in prison stores, work-sheds and areas where prisoners work.

Agriculture

10.10.1 As agriculture is the mainstay of villagers and as more than 80% of the inmates of our prisons hail from the rural areas, agriculture should be treated as an important industry offering good employment-opportunities for prisoners of this category. The chances of their rehabilitation will be promoted if their stay in prisons trains them to become more progressive farmers. Moreover, prison farms can supply the agricultural produce required in prisons and thus help to increase their

self-sufficiency. As a consequence, the per capita cost of the maintenance of prisoners can be reduced.

10.10.2 We recommend that a survey of all prison farms should be undertaken at the State level in respect of nature of soil, irrigability, crop producing ability. Cropping schemes should be prepared for each farm thereafter. The irrigation potential of prison farms should be fully utilised for increasing production. The requirements of labour for each farm should be assessed. It should be ensured that this labour is always available, so that the production in prison farms can be continuous. Adequate funds should be provided for modernizing prison agriculture, by integrating it, in some suitable way, with the Five Year Plan schemes. The performance of each prison farm should be annually evaluated. Such evaluation would be helpful in terms of removing the deficiencies of a particular prison farm which is not giving good results. Every State should have a few prisons where emphasis should be laid on agriculture. Some of the prisons can be semi-open or open prisons.

10.10.3 Dairies should be developed on prison farms wherever they can be run on a profitable basis. However, prison dairies will have to be treated as items of mixed farming. Dairies should be continued or organised only in such prisons where fodder and grazing facilities are available. Prison farms

and prison dairies should be utilised for imparting training to prisoners in improved methods of agriculture and dairying. Agro-industries could also be developed in prisons, wherever the facilities required are available.

Maintenance Services

10.11.1 The maintenance services required in prisons include sanitation & hygiene, culinary, laundry, barbering, hospital nursing, repair and maintenance of prison buildings and miscellaneous duties. It should be ensured that prisoners are not employed on maintenance services at the cost of their treatment.

Women Offenders

10.12.1 In the present set-up of the prison administration, the question of providing adequate employment to women offenders has virtually remained neglected. Many women offenders have to pass their time idly in prisons. Such employment as is provided is not meaningful from the viewpoint of their resettlement in society. We have recommended separate institutions for women offenders. This will enable special attention to be paid to the employment of women offenders in crafts such as tailoring, hosiery, bidi-making, manufacture of stationery articles, etc.

Young Adult Offenders

10.12.1 In the present set-up, our prisons do not have adequate employment facilities for young adult offenders, who constitute a sizeable part of the prison population. In this case also, we have recommended the establishment of separate institutions. Young adults are a very impressionable group. We are of the opinion that suitable educational, vocational training and work programmes should be organised in institutions meant for such offenders. The daily routine for young adult offenders should include two hours of academic education, one hour of vocational training and five hours of work in production units. This work experience should be combined with on-the-job or apprenticeship training. Employment in crafts, trades and industries should be aimed at helping them to get employment after their release from prison.

CHAPTER XI

REVIEW OF SENTENCES, PREMATURE RELEASE AND AFTER-CARE

Review of Sentences

11.1.1 Cases of adult and adolescent offenders are at present reviewed by Advisory or Review Boards, and also by the State Governments directly. The conditions of eligibility for review differ from State to State and the review procedure is generally cumbersome. We are, therefore, of the opinion that the general policy and the procedure for the review of sentences should be simplified and made uniform in all the States/Union Territories of the country. The Model Prison Manual contains provisions for review of sentences which may be followed. The general policy may be reviewed in the light of experience every five years.

11.1.2 We agree with the provisions of the Model Prison Manual as regards the categories of prisoners who should be considered eligible for review, except that, we feel that the aggregate substantive sentence for eligibility for review may be 3 years or more in the cases of well-conducted, non-habitual adult offenders also and their cases may be reviewed after they have undergone half of their substantive sentences, inclusive of remission.

Review of Advisory Boards

11.1.3 Every State/Union Territory should constitute one or more Review or Advisory Boards depending upon

its size, to review from time to time and assess how far sentences have had salutary and reformatory influences on prisoners. This review should be made on the basis of a Review File to be maintained for each eligible prisoner, containing a copy of the judgement and order, the prisoner's social and criminal history, including the report of the Probation Officer, initial classification sheet, progress report, reports from the Superintendent as to conduct and the Medical Officer as to his physical and mental condition, the opinion and recommendation of the Superintendent of Police and the District Magistrate or the Commissioner of Police concerned.

11.1.4 The Board should examine the information contained in the Review File to assess the possibility of the prisoner's resettlement after release and may recommend deserving prisoners for premature release, after recording the reasons for the same in each case. Where the Board, after consideration of a case, decides not to make any recommendation for premature release, it may order that the case shall be placed before it for review after such period as it may specify in the order. It may also recommend alternative measures in respect of the treatment of individual prisoners. Final orders on the recommendation of the Board may be passed by the Government as at present.

Pre-release Programmes

11.2.1 While considering the release procedure and after-care, it is essential to dwell for a while on pre-release programmes, as these constitute the transition between institutional and after-care programmes. Such pre-release programmes can help a great deal in preparing the prisoners, who have been long away from their familiars, surroundings and work, to adjust themselves psychologically and socially for effective integration with their immediate community. Many jails now have Welfare Officers. Such Officers should be appointed in all Jails at the rate of one for 200 prisoners. It should be a part of the duty of these officers, in co-ordination with other after-care agencies in the field, to organise pre-release programmes, by listing out in a register all prisoners who are due to be released in the next 6 months and getting them ready for release in all respects. These programmes could include broad-based efforts of systematic counselling and occasional lectures or interviews by suitable persons from the After-Care Services and voluntary agencies like the Discharged Prisoners' Aid Societies.

11.2.2 It is learnt that there is a New Bridge Society in England, which does this work thoroughly and systematically, commencing it some months before releasing and completing it only after receiving the

prisoner on release at the jail gate and resettling him in a useful life. It is necessary that, in our country also, official and non-official efforts should be planned purposefully for such a consummation. It will be necessary to set up in every major correctional institution a case-review committee to consider periodically as to what type of help will be needed by particular prisoners on their release.

Correctional After-Care

11.3.1 Correctional after-care is a very essential step in the criminal justice system. It can be defined as a set of institutional or non-institutional services to be offered to all offenders, young or old, whether they be probationers, licences or parolees or discharged inmates of correctional institutions, to help them in rehabilitation. It is a sound policy that, after having looked after them in institutions or otherwise, at considerable public expense, the authorities should see to it that they are helped to overcome the handicap of the stigma of crime for a period until they can be meaningfully readjusted in society.

11.3.2 A comprehensive after-care programme was initiated during the Second and Third Five Year Plans at the instance of the Central Social Welfare Board. A review of the present programmes in the field of correctional after-care reveals that, except for some after-care shelters or homes

in some States and rules for assistance to discharged prisoners in others, there is no consistent or comprehensive after-care policy. In some places, the after-care homes or shelters have no co-ordination with the correctional departments and their services, and hardly utilized.

11.3.3 After-care assistance should not end with some moral advice on how to behave after release.

Well-planned after-care services may provide any of the following options to the prisoner and his family:-

- (a) Timely financial assistance to cover journey expenses, clothing, a kit of tools for a workshop, stipend or fees for a particular training programme, a set of text books, etc. The scheme should be flexible not only as regards the procedure for securing financial assistance but also as to its range so that it may meet the needs of a variety of prisoners,
- (b) Job-placement by issuing of certificates about the proficiency acquired by prisoners in particular crafts or vocations during their stay in prison and also about their character and conduct. It will be helpful if the proficiency certificates could be issued by the Technical Education Directorate or the Directorate of Training and Employment so that it may be free of any stigma and there may be no doubt as to the standard achieved by the holder.

(c) Placement in a job or economic rehabilitation in advance. Those who have land for agriculture may have to face less problems than those who were wage earners. The job placement can be done in collaboration with the local employment authorities, who should be associated with the case-review committees. The Prison Welfare and After-care Officers should keep in regular contact with such agencies in order to create a social awareness about the needs of released prisoners. The Ministry of Home Affairs, Government of India have issued meaningful guide-lines to the States regarding the eligibility of ex-convicts for appointment under Government. A copy of the relevant circular has been reproduced in Appendix VI. It is essential for the success of this scheme that a periodical appraisal of its implementation should be made by the Inspector General of Prisons.

11.3.4 The prisoner himself should be involved in drawing up programmes for his after-care and rehabilitation so that he can look forward to his future with greater confidence. Emotional support, guidance and timely supervision by case workers, Probation Officers and After-care Officers is a basic need for most ex-offenders.

11.3.5 There is need also for an officially sponsored autonomous after-care agency in every district and at the State level. The after-care programme

has to be a partnership between official and non-official agencies. Local bodies could also help a great deal. Residential facilities in an after-care hostel or home may be required for a good number of released prisoners. The location of these institutions may have to be planned on the basis of the number of prisoners likely to need such facilities in different places. The stay in such hostels/home should be as short as possible and they should not turn into care homes. Separate units of this kind will be needed for boys, men, girls and women. It may be useful to have small workshops attached to such institutions to keep those inmates occupied who may not find jobs immediately. They can get payment for their work in the workshops at prescribed rates.

11.3.6 The follow-up of every case discharged from prisons for a specified period should be laid down in the Prison Manuals. The institutional records relating to prisoners should be maintained for a specified period. The probation service operating in the open community, should provide the necessary liaison with the prison authorities.

11.3.7 Along with the State-level After-Care Association, there will be need for a federating agency at the national level to facilitate the exchange of information, views and experience and to give financial assistance.

11.3.8 The bulk of the financial resources required

will have to come from funds placed at the disposal of the prison departments at the State level, directly or through departments responsible for education and employment, as after-care is a legitimate responsibility of the State. As an essential welfare service, new schemes in this direction could be sponsored and financed under the Five Year Plans. However, the officially-sponsored District and State-level after-care agencies should also raise funds through non-governmental sources. The ex-prisoners lodged in hostel or homes, while earning, can be expected to pay a part of their income to the agency. The Central Social Welfare Board and the National After-Care Federation should also make available some ad hoc grants to non-official after-care agencies for specific purposes.

CHAPTER XII

PRISON ARCHITECTURE AND BUILDINGS

Need of Separate Working Group for Prison Buildings

12.1.1 One of our terms of reference requires us to examine the position in respect of the existing prison accommodation and lay down guide-lines for the construction of new prison buildings. We understand, however, that the Ministry of Home Affairs are contemplating the appointment of an Ad Hoc Committee consisting of architects and engineers etc., to examine the building needs of the prisons, lay down minimum standards in prison construction and prepare type designs, plans and estimates for prisons of different categories. We welcome this proposal and hope that such a Working Group will be appointed as early as possible. In this connection, we would like to suggest only that it is desirable that one or two Inspectors General of Prisons of the States and correctional experts may also be included in the Working Group to enable it to keep its deliberations geared to the current situation with regard to prison accommodation in the country and the future needs in this field. We have no doubt that the separate Working Group will examine the plans for new prison buildings that may have been prepared in the States since Independence. In view of the fact that a separate Working Group is proposed to be appointed for exa-

mining problems relating to prison architecture and buildings, we are confining our remarks in this Chapter only to a few important questions.

Penal Philosophy and Buildings

12.2.1 The prison buildings were designed in the past to serve primarily the interests of security. Most of our institutions still have buildings which serve, in an antiquated manner, only the custodial and deterrent purpose. The siting, design and construction of our buildings should be changed to suit the requirements of the modern penal philosophy of correctional treatment.

12.2.2 While planning a new unit of prison buildings, the prison administration should give close attention to the following points before conveying the needs to the architect and the engineer in concrete terms:-

(i) The functions which the proposed unit will serve, i.e., whether it will be a sub-jail, district jail, central prison, special institution for a specified category of prisoners, etc.

(ii) The numbers of the prisoners and the staff to be accommodated in the unit.

(iii) The security risk categorisation of the prisoners in question, i.e., whether maximum, medium or minimum security prisoners.

(iv) The classification of the various categories of prisoners to be housed in the unit.

(v) Type of work and training programmes proposed to be organized in the unit.

12.2.3 The building design should combine the security needs with functional utility and provide an atmosphere which may promote work efficiency as well as harmonious relations between the staff and the prisoners and among the prisoners themselves. The siting of the building, the height of the wall and the type of gates and windows as well as other arrangements will have to be adapted carefully to the use or function of the building.

Certain Minimum Standards Required

12.3.1 The Model Prison Manual has laid down certain minimum standards for prison accommodation and buildings. We are in broad agreement with the standards prescribed, subject to a few departures therefrom as indicated hereafter. Central Prisons should be located on the outskirts of cities. Prisons for remand and undertrial prisoners should, as far as possible, be located near the trying criminal courts. The sites selected should not be at a low level, nor close to national or international borders, or adjoining air fields, railway yards, or on busy road-fronts or near crowded places of public resort. The population of a Central Prison should not normally exceed 750 and of a District Prison 400. No dormitory in any of these prisons should have more than 60 inmates. Sleeping barracks should have per head of inmates, 50 sq. ft. of ground space, 12 sq. ft.

ventilation and 500 cubic ft. of air space. These may vary slightly according to climatic conditions. The overall area of accommodation per individual within the prison walls may be raised from 75 sq. yards as mentioned in the Model Prison Manual to 80 sq. metres.

12.3.2 There should be adequate space outside the perimeter wall of the prison on all sides, preferably astride an outer security road, to a distance of about 45 to 70 metres from the wall, in order to ensure effective security by preventing unplanned, unhealthy and annoying encroachments coming up too close to the jail wall and also to make available sufficient open land for fresh air, exercise, and agricultural programmes.

Layout and Components of Prisons

12.3.3 The old pattern of prison buildings was radial with a central watch tower. New experiments on the rectangular model have been made and these are found to answer the requirements of custody and treatment equally well while catering to the needs of correctional treatment better. The Tihar Central Prison at Delhi has been built on the rectangular pattern and possesses all modern amenities and scientific equipment. An alarm system could also be built into the pattern of our new prisons.

12.3.4 The administrative building should in future have, besides the office rooms, a conference room and an administrative staff room a control room with telephone, wireless and electronic alarm systems,

connecting all units on the premises and also the offices of the Inspector General of Prisons, the District Magistrate and the Superintendent of Police outside. An improved interview room with minimum facilities should be provided in the administrative block. Suitable buildings should be provided for the Reception and Classification Units and for the individualised treatment of the inmates through diversified educational and work programmes. The hospital should have attached rooms for psychiatrists and other specialists, besides a properly equipped clinical laboratory. No single prison kitchen should normally be required to cook and cater for more than 300 persons. Flush latrines should be available in each sector and cell and each barrack should also have flush latrines for night use. There should be adequate provision for water supply and electric lighting. Fire fighting and emergency requirements and devices should be built into the plan of the buildings.

Future Programme for Prison Buildings

12.4.1 Presuming that the recommendations that we have made in respect of alternatives to imprisonment and diversification of institutions will be fully accepted and implemented and bearing in mind the need for the most cost-effective utilisation of resources, we recommend the following priority in the future programme for prison buildings:-

- (i) Repairs, renovation and provision of modern

amenities for sanitation, water supply and electricity in all existing prison institutions.

- (ii) Provision of adequate staff quarters in all prison institutions.
- (iii) Construction of new Units of suitable sizes close to trial courts for remand prisoners and undertrials, beginning from places where there is heavy and continued pressure on existing prisons on this account.
- (iv) Construction of special institutions for young adult offenders, women, etc., as recommended in this report.
- (v) Construction of new buildings for prisons accommodated in old improvised structures not intended originally for the purpose of housing prisoners.

12.4.2 At the same time, we are agreed that the major thrust in the prison administration will have to be on the provision of more and more medium and minimum security and open institutions, including Work Centres and Camps.

CHAPTER XIII

ORDER OF PRIORITIES FOR PRISON DEVELOPMENT SCHEME

13.1.1 Our terms of reference require us to lay down an order of priorities for the prison development schemes. We have stated at the very beginning of this report that the entire system of the prison administration calls for a thorough overhaul and many-pronged reforms and we have examined various aspects of the prison administration in the preceding chapters. The recommendations that we have made naturally cover a large ground and will require action in several different areas. The question of priorities in prison development schemes may, therefore, be considered on the basis of blocks of recommendations with priorities within each block. We feel that the recommendations in each block should be considered for implementation simultaneously.

समर्पित जनने

13.2.1 In this concept, the first set of recommendations relates to the change of emphasis that we have advocated in the prison administration as a whole from custody to correction. In order that this change may be manifest in reality, the highest priority should be given to the adoption of the national policy on prisons that we have recommended with the inclusion of certain aspects of the prison administration in the Fifth Five Year Plan, the amendment of the Constitution to include the subject of prisons and allied institutions in the Concurrent List, the enactment of suitable legislation

by the Centre as well as the States, the establishment of a National Institute of Correctional Administration, the re-organization of the prison departments in the States/UTs, as recommended in Chapter V and the revision of the State Prison Manuals.

13.3.1 Another set of recommendations is concerned with the most serious problem of the prison administration at the present time, i.e. that of congestion. We have recommended a one-time review to be carried out in 1974 with a view to the release of a substantial number of undertrials of specified categories and also a proportion of convicts. We have advocated the separation of undertrials from convicts. The one-time review should be accompanied by a State-wide survey and the preparation of plans for the construction of custodial institutions for housing under-trials close to courts. The removal of congestion and the establishment of separate institutions for undertrials will help to reduce the population in the existing prisons very substantially. A suitable machinery should be created thereafter for introducing a scientific classification of prisoners and the modernisation and development of treatment services and work programmes in accordance with our recommendations.

13.4.1 While considering various alternatives to imprisonment, we have advocated the establishment of Work Centres and Camps for the payment of fines imposed

on offenders and for housing short-termers. Such Centres/Camps may be set up in a planned manner.

We have also recommended increased use of the provisions as to probation. Probation services have not developed in the country adequately and it is necessary that the creation and development of these services to the extent required should be taken up on a priority basis. At the same time, the internal administration in the existing prison institutions may be improved as recommended in Chapter VI.

13.5.1 The new concept of the prison administration and the introduction of scientific correctional programmes in prisons will not be possible without due attention being paid to the development of the prison personnel. We have drawn attention to the fact that the current system of recruitment is of an ad hoc nature and the training facilities are inadequate. Our recommendations in this regard should be implemented with high priority. The most important of these relate to the establishment/improvement of Jail Training Institutions and the organisation of basic, refresher, promotion and specialist courses therein. It will be necessary, at the same time, to review the conditions of service of the prison staff as also to undertake the construction of adequate residential accommodation for the staff

close to prison institutions within a fixed time-frame of say not more than 5 years. Yet another aspect of the development of prison services will be the introduction of specialists like psychologists, psychiatrists, trained correctional workers, etc.

13.6.1 The recommendations relating to remission, parole, premature release and pre-release and after-care programmes may be implemented as a separate block.

13.7.1 In Chapter XII, we have indicated the building requirements of the prison administration. Some of these requirements have been mentioned above. The other components of this programme should also be taken up systematically so that the existing prison institutions are repaired, renovated and improved according to requirements and new institutions are built for special categories of inmates like young adults, women and the mentally ill offenders as early as possible. At the same time more open prisons should be set up in States, where their number, at present is inadequate.

CHAPTER XIV

SUMMARY OF RECOMMENDATIONS

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

CHAPTER I A REVIEW OF PRISON REFORMS IN INDIA

1 The entire system of the prison administration calls for a thorough overhaul and many-pronged reforms. The development of the Prison and Correctional Administration should no longer remain divorced from the national development process. A provision of Rs.100 crores should be made in the 5th Five Year Plan to cover the following aspects of the Prison Administration:-

(1) Improvement of existing buildings, and construction of new buildings for undertrials and the various categories of prisoners.

(2) Construction of residential accommodation for the staff.

(3) Modernisation of industry and agriculture in prisons and correctional institutions.

(4) Provision of scientific and technological facilities in prisons, such as security, fire-fighting, alarm and communication arrangements.

Sl. No. Summary of Recommendations Para No.

(5) Basic, refresher and specialist training of prison personnel from the policy making to the lowest levels.

CHAPTER II AN ANALYSIS OF PRISONS AND PRISONERS IN ONE DECADE (1961-70)

1 There should be a one-time review of the cases of all under-trial prisoners throughout the country in 1974, aimed at releasing those prisoners who have committed offences only of a minor nature or who are not habituals or who have already undergone under-trial detention for periods longer than what they may be sentenced to at their trial or whose cases have been pending investigation with the police without the filling of chargesheets for more than 6 months or the investigation/trials of whose cases are held up because of one or more insoluble problems like difficulty in the conduct of identification proceedings of person or property, non-availability of witnesses, etc. we believe that a review of this kind can be carried out by the magistrates and judicial officers concerned with the assistance of the prison authorities and will serve a very useful purpose not only of bringing 2.5.3

Sl. No. Summary of Recommendations Para No.

down the jail population to manageable proportions but also of reducing the heavy arrears in courts and will enable both the police and the courts to concentrate on the cases of undertrial prisoners who constitute the real threat to peace and good order in the country.

It may be found during this review that while some prisoners can be released straightaway, others can be released on bail, with or without sureties.

2. The cases of convicts should also be reviewed to determine which of them can be safely released on parole with or without conditions. 2.5.4

3. Similar reviews may be undertaken on a State basis from time to time whenever the undertrial population exceeds the capacity in the prisons substantially. 2.5.5

CHAPTER III NATIONAL POLICY ON PRISONS

1. The time has come when we must adopt a National Policy in respect of the Prison and Correctional Administration. The main elements of this Policy should be as follows:- 3.1.5

(1) A suitable system should be established for co-ordination among the judiciary,

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

the police and the prison and correctional administration for the effective prevention of crime and treatment of offenders.

(2) The reassimilation of the offender in society and the prevention of crime should be the principal goals for the Criminal Justice System. The goals of the prison administration will be the employment of all resources, human and material, to provide scientific treatment to every offender according to his peculiar needs and circumstances.

(3) The concepts of deprivation of liberty and segregation from society should be limited mostly to the habitual, the incorrigible and the dangerous criminals. Short-term imprisonment does not serve any useful purpose. The fullest possible use should be made of the various alternatives to imprisonment, as well as open prisons. Non-institutional or semi-institutional forms of treatment should be resorted to as far as possible.

(4) Simple imprisonment should be abolished as a form of punishment.

Summary of Recommendations

Para
No.

(5) Scientific classification of prisoners and diversification of institutions are essential for treatment programmes in prisons.

(6) Juveniles and young adults should be kept away from adult institutions. Institutions for them should be provided with special facilities for treatment and rehabilitation.

(7) There should be close co-ordination between the prison and the probation and other correctional services. The prison administration should be treated as an integral part of the Social Defence component of the national planning process.

(8) Free legal aid should be provided to all indigent prisoners.

(9) The prisons should have facilities for work programmes aimed at equipping the offenders for return to society with skills to help in their socio-economic rehabilitation.

(10) The treatment services in prisons should include proper medical and health services, diversified education, vocational training, correctional social work in consonance with the social and criminal history, the

Sl. No. Summary of Recommendations Para No.

physical and mental capacities and the length of the sentence of individual prisoners.

(11) The interests of prisoners and of vocational training should not be subordinated to considerations of financial gain from prison agriculture and industry.

(12) Prisoners should be provided with minimum facilities for a simple living with proper clothing and accommodation, segregation, personal hygiene, a balanced healthy diet, open area for exercise and recreation on accepted minimum standards and opportunities of communication with the outside world through a liberal system of interviews and correspondence.

(13) The prison administration should encourage inmate participation in institutional management in suitable areas such as sanitation, canteen, food and cultural activities to cultivate in the prisoners a sense of responsibility and participation.

(14) There should be a systematic periodic review to determine which offenders can be safely released prematurely, subject to specified conditions or otherwise. This

Summary of Recommendations

Para
No.

may be coupled with a system of parole supervision.

(15) Under-trial prisoners should be lodged in separate institutions as far possible and facilities should be provided to them for work on a voluntary basis.

(16) The prison administration should develop cadres of prison officers with basic academic qualifications and specialised training in the theories and practice of correctional work and institutional management.

(17) Suitable pay scales, prospects for promotion, opportunities for professional growth and job satisfaction should be provided to the prison staff so that they may develop the image of an important social service.

(18) A humane, efficient and well-organized system of after-care and the rehabilitation of offenders should be a continuous part of the prison programmes.

(19) The Union and State Governments should declare unequivocally that there will be no bar or restriction on the employment of ex-convicts of specified categories in the public services after a due scrutiny of the prison reports certifying to their abilities and qualities.

Sl. No.	Summary of recommendations	Para No.
------------	----------------------------	-------------

(20) The prison administration should systematically involve enlightened individual citizens, associations, societies and other community agencies in the treatment, aftercare and rehabilitation of offenders.

CHAPTER IV ALTERNATIVES TO IMPRISONMENT
AND LEGISLATION EFFECTING
PRISONS.

1 One of the first things that should be done 4.3.1 to improve the situation in the prisons is to separate the remand prisoners from the convicts. For this purpose, apart from the net-work of Sub-Jails, some bigger custodial centres with adequate facilities to house undertrials should be developed at suitable places where most of the courts are located.

2 The Indian Penal Code (Amendment) Bill, 1972 4.5.1 provides for certain new punishments, such as externment, payment of compensation to victims, corrective labour and public censure. These alternatives can be purposefully adopted by the courts in India for certain categories of offenders, in keeping with their personality traits, economic background and capacity to respond to various modes of correctional treatment. Where the home environment is good, the simplest treatment of admonition produces the best results.

Sl. No. Summary of Recommendations Para No.

3 Suitable provision should be made in the 4.6.1
Criminal Procedure Code that fines imposed
in criminal trials may be paid through com-
pulsory work at Work Centres.

4 release on probation, with or without super- 4.7.1
vision, is the most important, the most 4.7.2
practicable and economical of the alter-
natives to imprisonment. The States, which
are still continuing with their own Probation
of Offenders Acts or where no Probation Act
is in force, should adopt the Central Act
without delay.

5 It is necessary to extend the scope and use- 4.7.3
fulness of the system of releasing first
offenders on probation to adult first offend-
ers also, except in the cases of those con-
victed of heinous offences, in the same manner
as is applicable to juvenile and adolescent
first offenders.

6 Various forms of extra-mural treatment at 4.7.4
Attendance Centres, work or Training Centres, 4.7.5
Week-end Detention Hostels or Camps etc. can
be imposed as conditions attached to the pro-
bation order issued by the Court.

7 A system of corrective labour in Work 4.8.1
Centres may be advantageously introduced

Sl. No.	Summary of Recommendations	Para No.
	for certain categories of offenders sentenced to short terms of imprisonment. Such corrective labour should be organised outside the jails, and not in jails, as proposed in the I.P.C.(Amendment) Bill, 1972. This could be done, where possible, in conjunction with national and public projects.	
8	The system of compensation to victims should be made workable in the case of indigent offenders by placing them in Work Centres or by adopting the Swedish Day Fine system.	4.9.1
9	The age of criminal liability prescribed in the Indian Penal Code should be raised uniformly to 12 years. सत्यमेव जयते	4.10.1
10	Simple imprisonment as a punishment should be abolished, as indolence only harms the mental and physical health of the prisoners.	4.10.2
11	The Central Government may recommend the adoption of a uniform approach to parole by the States/UTs.	4.10.3
12	Children Acts should be enforced throughout the country and should be implemented earnestly to ensure that juvenile offenders do not have to come to institutions meant for adults.	4.10.4

Sl. No.	Summary of Recommendations	Para No.
13	The Government of India should enact a special legislation to cover offenders of the age group 16-25 years for the Union Territories so that the State Governments would have a ready-made model legislation which they can adopt with suitable modifications.	4.10.5
14	The time has come for enacting a consolidated new legislation in place of the existing Prisons Act, 1894, Prisoners Act, 1900 and Transfer of Prisoners Act, 1950, which can open the door for progressive prison policies in tune with the latest thinking and practice all over the world. It is necessary that the Constitution should be amended to include the subject of prisons and allied institutions in the Concurrent List, so that the new prison legislation can be enacted centrally for uniform application throughout the country. The draft of such a legislation already before the Ministry of Home Affairs should be taken up for enactment as early as possible.	4.10.6
15	The housing of civil prisoners in prisons for convicts is not desirable. It may be examined whether any suitable alternative arrangements can be made for this purpose	4.10.7

Sl. No. Summary of Recommendations Para No.

and also whether some system can be established whereby civil convicts can be made to undertake some useful social activity while in confinement, which can help them even in discharging their civil liabilities.

16 The enactment of a new Indian Mental Health Law should receive adequate priority. Pending such legislation, the State Governments should create necessary facilities for the observation, treatment, care and rehabilitation of all mentally sick persons so as to prevent such persons being sent to jails. 4.10.8

17 The States which have no Habitual Offenders Restriction Act should enact a suitable law on the subject. 4.10.9

CHAPTER V DEPARTMENTAL ORGANISATION AND CO-ORDINATION

1 The correctional services for young adult and adult offenders, probation and after-care should be co-ordinated in one department and that the Inspector General of Prisons should be designated as the Director of Correctional Services also. The Department should continue in the charge of the Home Department at the secretariat level. The administration of the Children Act and the 5.1.3

Sl. No.	Summary of Recommendations	Para No.
	institutional services relating to children, including juvenile delinquents, may be responsibility of the Social Welfare Department.	
2	In filling the post of Inspector General of Prisons, special care should be taken that only persons with sufficient knowledge and suitable experience are considered, and if a suitable departmental officer is available, he should be given preference. States should create the necessary infra-structure for a change-over from custody to correction in the jail administration so that it may be possible for this administration itself to throw up persons suitable to head the department.	5.2.1
3	The Inspector General of Prisons should be assisted by Deputy Inspectors General of Prisons; Directors of Probation, Youth Correction, and After-care, Industries and Vocational Training and Agriculture; and Chief Officers of Prison Architecture and Buildings, Medical & Health Services, and Educational and Cultural Programmes.	5.3.1
	A Planning, Research and Development Cell should be set up directly under the In-	5.3.2

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

spector General of Prisons with research workers drawn from the disciplines of Psychology, Sociology and Social Work. This Cell will be responsible for the collection of the statistics required from time to time. It should undertake, on a priority basis, the work relating to the revision of the State Jail Manual.

5 An Organisation and Methods Cell should also 5.3.3 be established under the Inspector General of Prisons to review the disposal of work-load and to ensure efficient functioning of the organisational structure and its constituents.

6 Each State should divide its territory into 5.4.1 suitable regions on the basis of the work-load, problems, state of communications and other relevant considerations and place them under the charge of Deputy Inspectors General of Prisons with adequate administrative and financial powers and technical resources. The Regional Officers should liaise with the regional authorities of the other allied Departments, for ensuring necessary co-operation in the smooth running of the departmental programmes.

Sl. No.	Summary of Recommendations	Para No.
7	The creation of a regional set-up may be necessary for the youth corrections, probation and after-care services also.	5.4.1
8	All District Jails with an average population of 300 prisoners and upwards should be headed by a whole-time Superintendent of the Prison Service. Deputy Superintendents may be appointed in the Central Prisons and in District Jails which have an inmate strength of the level of Central Prisons.	5.5.1
9	The probation and youth and adult correction and after-care services need to be developed and rendered through whole-time officers, who are not burdened with any other duties.	5.5.2
10	A planned and systematic improvement of the Sub-Jails all over the country should be an item of high priority in jail reforms. All Sub-Jails should be provided with a full-time Superintendent of the Jail cadre of appropriate rank and an adequate number of warder staff for custodial duty.	5.5.3
11	The three-tier rank structure of the warder staff prevailing in most States is adequate. However, the States may provide intermediate promotion opportunities, with additional pay or special pay as considered appropriate.	5.7.1

Sl. No.	Summary of Recommendations	Para No.
12	At the middle level, the three ranks of Assistant Jailor, Deputy Jailor and Jailor should meet the needs of the supervisory administration in the jails, except that the Sub-Jailors could well be integrated with the Assistant Jailors.	5.7.1
13	In the cadre of Superintendents, for normal postings and promotions, the existing three-tier system will suffice, reserving the posts of Deputy Inspectors General and Inspector General as selection appointments.	5.7.1
14	It will be necessary to arrive at a uniform pattern of rank structure by fixing the lowest level of Superintendent as a common denominator, integrating Deputy Superintendents, Additional Superintendents and District Jail Superintendents Grade II into equivalent categories. Promotions could be made from this grade to regular Jail Superintendents/District Jail Superintendents Grade I and later as Selection Grade Superintendents/Central Prison Superintendents. There should be adequate number of posts in the last mentioned grade.	5.7.1
15	The process of separating the executive and the clerical staff in the Jail Administration should be speeded up.	5.7.2

Sl. No.	Summary of Recommendations	Para No.
16	As regards technical and specialist positions, 5.7.3 there should also be a three-tier organisation consisting of front-line skilled workers with qualifications equivalent to the ITI Certificate, middle level instructors with Polytechnic Diplomas and higher level Factory Managers or Work Superintendents or specialists like Medical Officers and Clinical Psychologists and Correctional Social workers. At the higher level of specialists, it may be possible to get qualified men on deputation, since promotion avenues within the department would be limited. In respect of the others, it is necessary to streamline the positions, qualifications and promotion prospects on the basis of some reasonably satisfactory standards.	
17	Jail industries should be supervised by 5.7.4 technical hands consisting of trained factory supervisors and factory managers in the larger prisons. Similarly, agricultural operations in prisons require supervision and guidance by trained and skilled personnel.	
18	Systematic programmes of education, vocational training and personality reconstruction of prisoners should be introduced in	5.7.5

Sl. No.	Summary of Recommendations	Para No.
	Jails under the supervision and guidance of specialised correctional staff.	
19	Adequate incentives should be provided to the medical staff drawn from the State Medical Department, as service in prisons is more than ordinarily arduous.	5.7.6
20	A Committee may be set up in each district under the Chairmanship of the District Magistrate consisting of representatives from the magistracy, the police, the judiciary, the prison administration and other officials and non-official agencies engaged in correctional work to review the problems in these fields and to take suitable action as necessary from time to time.	5.8.1
21	Senior judicial officers should visit prisons as a regular part of their duties and make suitable recommendations in respect of individual inmates as they may consider desirable.	5.8.1
22	The Prison Administration should associate citizens and non-official social welfare agencies with the work of the	5.8.2

Sl. No.	Summary of Recommendations	Para No.
	treatment and rehabilitation of offenders in systematic and planned manner through the institution of jail visitors and otherwise.	
23	The States which do not have State Advisory Boards for the Correctional Administration should constitute such Boards.	5.9.1
24	A conference of the heads of the prison and correctional institutions and agencies should be held at the State level annually to help maintain a progressive outlook in the prison and correctional administration as a whole.	5.9.1
25	There should be an annual conference of the Inspectors General of Prisons, who will also become Directors of Correctional Services. This conference may be organised by the Central Bureau of Correctional Services.	5.10.1

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

26 The Government of India should take 5.10.2
continuing and active interest in the
development of the Prison and Correctional
Administration in the various parts
of the country. The best agency for this
purpose will be the existing Central Bureau
of Correctional Services. The man-power
and financial resources of the Bureau
should be suitably strengthened to enable
it to act as an Adviser to the Central and
State Governments in matters relating to
the Prison Administration effectively.

27 The Central Bureau of Correctional Services can do more useful work if it is 5.10.2
brought back to the Ministry of Home Affairs
in which it was set up in the first instance
as the largest amount of work being done in
the country at present in the field of
corrections is through the prison, Borstal
and Probation services.

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

CHAPTER VI INTERNAL ADMINISTRATION IN PRISONS

- 1 It is the character, efficiency and the ability of the head of the institution, which will determine the quality of the internal administration of a prison. It is necessary, therefore, that the need to strengthen the hands of the heads of prison institutions should inform all laws, rules and regulations relating to their administration. 6.1.1
- 2 Effective discipline among the inmates will be possible only if there is exemplary discipline among all levels of the staff of the prison establishment. It is, therefore, essential to train prison personnel of all ranks to be absolutely disciplined in spite of continuous contact with various kinds of offenders all along the line of their duty. If lapses are punctiliously taken note of and promptly dealt with and similarly, if good work is recognised with matching alacrity, it will have a telling effect on the tone of discipline in the institution. For the rest, an honest and efficient administration, humanely and effectively enforced, can alone produce the highest standards of discipline. 6.2.1
- 3 The administration of a prison requires 6.2.2

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

adequate authority to be vested legally in the head of the institution and the Department. The Prisons Act and the Prisoners Act make some provisions in this regard. Some of the old-time punishments, such as penal diet, whipping and putting in gunny clothing are inhuman. The law may be amended to abolish such punishments. At the same time, the legal procedure for dealing with prisoners, who commit more serious and heinous offences, with the assistance of the magistracy and the police should be spelt out more clearly in the Act.

4 The scales of diet suggested in the Model Prison Manual may require modifications to suit the climatic conditions and the food habits of the people of the various regions of the country. Cooking devices and utensils need considerable improvement. A degree of decentralisation in the cooking arrangements is also desirable in the bigger institutions. In addition, facilities for the storage of rations should be improved, wherever they are inadequate.

5 Well-trained stipendiary cooks should be employed in all prisons to supervise the work of the convict cooks.

Sl. No.	Summary of Recommendations	Para No.
6	<p>All categories of prisoners should be allowed- 6.3.4 ed to wear their own clothing of prescribed patterns, provided it is clean and subject to good conduct in matters of discipline. The clothing issued at present should be reviewed in respect of quality, life and adequacy and changes as necessary should be introduced to ensure that it does not encour- age the hardening of criminal propensities. The replacement of Khadi by mill cloth, for ensuring greater economy and durability, may be examined by the States. Extra clothing, as necessary, should be provided in the hill areas and for old prisoners during winter. All prisoners should be issued with suitable footwear.</p>	
7	<p>A schedule of standard equipment should be 6.3.5 drawn up for the hospitals of all Central Prisons and District Jails, bearing in mind the appliances and facilities needed for dia- gnosis and treatment. The existing strength of the medical staff should also be increased to ensure that the patients are attended to regularly as necessary throughout the day and night on the pattern of emergency wards in regular hospitals. All prisoners should</p>	

Sl. No.	Summary of Recommendations	Para No.
	undergo a comprehensive medical screening on admission and periodically thereafter.	
8	Well-planned recreation has a great value for breaking the monotony and relieving the morbid atmosphere of prisons and can be used effectively not only for the physical and mental well-being of the inmates, but also as a therapeutic instrument in the multi-pronged treatment programmes.	6.3.6
9	The provisions of the Jail Manuals relating to correspondence and interviews should be made more flexible, subject to suitable and unobtrusive arrangements for censorship and monitoring and the conditions under which interviews are conducted should be improved from the administrative as well as the humanitarian points of view.	6.3.7
10	Administrative and procedural delays often defeat the very purpose for which Jail Manuals make provision for the release of prisoners on parole, furlough, leave, etc. It is necessary that the powers of the Government with regard to the sanction of these facilities should be decentralised and delegated to the Inspector General, the Deputy Inspectors General and the Superintendents of Prisons, as appropriate, to	6.3.8

Sl. No.	Summary of Recommendations	Para No.
	ensure timely and prompt decisions.	
11	The provision of canteen facilities should keep pace with the changing food habits and the requirements of the inmates. The profits from the canteens, if any, should be utilized for the prisoners' welfare.	6.3.9
12	The convict warder system should be abolished and replaced by paid warders in a phased manner over a specified period starting with the abolition of convict warders. The phasing should be synchronised with the introduction of prison reforms as advocated in the report. However, the convict night watchmen may have to be retained so long as prisoners are lodged in association barracks and there is no adequate induction of scientific aids for ensuring security.	6.4.1
13	Undertrials may continue to be utilised for kitchen and other maintenance services in the separate institutions to be established for them as advocated in the report. However, stipendiary cooks should be employed for supervision in the larger institutions of this kind. It is not desirable to utilise convicts for such work in institutions for undertrials. Special arrangements	6.5.1

Sl. No.	Summary of Recommendations	Para No.
	for clothing may be needed in such institutions only in the case of prisoners who may be indigent and who may need extra clothing depending on weather conditions. There should be suitable arrangements in these institutions for medical care, correspondence and interviews and canteens.	
14	The extent of remissions and the conditions 6.6.1 and procedures for granting them should be made uniform and provided for in the new prison legislation recommended in Chapter IV.	
15	The beneficent schemes relating to gratuity 6.7.1 and wages should be introduced in States where such schemes are not in force at present.	
16	The Panchayat system can be greatly instrumental 6.8.1 in obtaining voluntary participation and adherence to healthy community living. The working of Panchayats should be limited to matters of self-improvement and purposeful community living and they should not be allowed to infringe upon the enforcement of the prison rules and regulations. Properly guided, the Panchayat system	

Sl. No.	Summary of Recommendations	Para No.
---------	----------------------------	----------

can be a powerful aid for maintaining good discipline in prisons.

17 The prison staff should be strengthened and trained not only to meet emergencies but also to deal with difficult prisoners effectively. Appropriate inter-communication and transport systems and special equipment like tear smoke and water-hoses should be introduced in all big prisons with a view to strengthen the security measures and to improve the operation of the staff during emergencies. 6.9.1

18 It is essential to devise an emergency scheme according to which the Jail Administration will be geared to handle smoothly large scale admissions in jails due to agitations. The scheme should envisage how provision should be made for the extra accommodation, staff, stores, facilities and equipment etc. that is required on such occasions. 6.9.2

19 The jail staff should be adequately trained to meet emergencies arising out of natural calamities and vandalism or other misbehaviour on the part of the prisoners. Regular standing orders and alarm drills to manage such developments should be prepared and 6.9.3

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

approved well in advance so that none of these situations may plunge the jail administration into an unsettled state. To deal with such emergencies, it will be proper to have a small emergency reserve of personnel specially trained in the use of fire-arms, gas-shells and water-hoses. One advantage of having such a body of men will be that some of them can be used also for routine duties when there are large scale admissions.

CHAPTER VII RECRUITMENT AND TRAINING OF PRISON PERSONNEL

- 1 Very special care and attention have to be 7.1.1 bestowed on the selection and training of the staff who are to man the Prison and Correctional Administration.
- 2 Direct entry into the Prison Organisation 7.2.1 should be restricted to only three levels- viz., Warder Grade II, Assistant Jailer and the lowest level of the Superintendent's cadre by whatever name it is called.
- 3 The educational qualification for the lowest 7.2.1 level may remain 8th Class for the present, but S.S.L.C. qualified men may be recruited as far as possible and, in due course, when the States are in a position to bear the

Sl. No.	Summary of Recommendations	Para No.
	additional financial burden, the qualification of S.S.L.C. should be enforced with an attendant rise in the salary-level to that of Junior Assistants in Offices.	
4	All direct recruitment to the posts of Deputy Jailor and Jailor should be stopped and these posts should be reserved exclusively for promotion from the lower categories of staff.	7.2.2
5	The direct recruitment quota in the category of Assistant Jailors may be fixed at 50%. The other 50% should be filled mainly by promotion from the really good men among the warder staff, who qualify in properly devised promotion tests, and partly by transfer of service in a modified system of direct recruitment with age limits relaxed, from among otherwise qualified members of the ministerial staff.	7.2.2
6	Direct entry at the level of the lowest rank of Deputy/Additional/Grade II Superintendent will also be for 50% posts. The candidates to be chosen should have post-graduate qualifications, preferably M.As in Criminology and Correctional Administration or in Social Work, including Correctional Work, or graduates with post-graduate diplomas in	7.2.3

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

these fields. The higher posts will be filled only by promotion.

7 The procedure of selection by the Public Services Commission, both for the Assistant Jailer and Grade II Superintendent, should include a written test and an interview.

8 The development of basic and in-service training programmes for prison officers could be rationalised at three levels as listed below:-

- (i) Warders (Grade III), Warders (Grade I) or Head Warders and Chief Head Warders - i.e. guarding staff, ground level and supervisory.
- (ii) Assistant Jailors, Sub-Jailors, Deputy Jailors and Jailors - i.e. middle level officers, and
- (iii) Deputy Superintendents, Additional Superintendents and Superintendents - i.e. higher level executives.

9 It is desirable to re-organize the training of warders as an initial training instead of the in-service affair, which it is at present. Training institutions for the warder staff should be available at the State level. The curriculum for the basic training of warders should lay stress on the custodial and se-

Sl. No.	Summary of Recommendations	Para No.
	<p>curity aspects and include a substantial quantum of Drill, Musketry, Physical Training and Unarmed Combat, as indicated in the Model Prison Manual, along with a basic understanding of the purpose and methods of the correctional treatment of offenders. The duration of the course may be six months. The size of each batch will depend on the size of the State and the total strength of its warders. A practical slant can be given to this training if the training institution is located close to a medium-size prison.</p>	
10	<p>Another basic training programme will be required for the middle level executive officers of the prison administrative structure. It will be appropriate to organise this training regionally. Three jail training schools already exist at Lucknow, Focna and Hissar. A Regional Training Centre for Prison Officers has been decided to be set up at Vellore for the four southern States. There is need of a similar institution in the eastern region of the country. Calcutta may be the most suitable location for this institution.</p>	7.5.3
11	<p>The syllabus of training for Assistant Jailors may be along the lines suggested in the Model Prison Manual, with suitable chang-</p>	7.5.3

Sl. No.	Summary of Recommendations	Para No.
	es in the light of the experience gained in the existing institutions and in the field. The training programme should, however, have a predominantly practical orientation and be constantly revised and developed on the basis of current scientific research and evaluation of existing correctional programmes. The duration of the course may be one year and each batch may consist of 25 to 40 officers.	
12	The initial training of direct recruits to the 7.5.4 lowest rank of Superintendents will also have to be organised in the Regional Training Institutions mentioned above. The duration of the course for the higher level officers may also be one year and each batch should, if possible, not exceed 15 officers. Any attempt at State level training of these officers, without an institutional programme, can at best be an informal process, which cannot produce the desired results.	
13	Generally speaking, no category of prison 7.5.5 officials should be promoted to the next higher rank, without undergoing pre-promotion training. Nor should any member of the ministerial staff, however good, be posted to executive responsibility without suitable	

Sl.
No.

Summary of Recommendations

Para
No.

14

orientation training. These promotion/ orientation courses should be of short duration and cover not only the general features and requirements of custodial and security functions, but also the basic principles of classification, correctional treatment, work programmes and other procedures of reformation and rehabilitation, side by side with the particular responsibilities of the post which the trainee will be called upon to fill.

The changing patterns of criminality, lawlessness and connected attitudes among prisoners, make it essential that all guarding staff should be given refresher training after 5 years of service. A common refresher course for all such staff would do and promotions could be made from among those who have been put through such refresher training and tested for higher calibre of promotable material.

15

Regional
The Institutions for the middle and 7.5.7
the higher level officers should also offer continuing education in the shape of refresher, advanced and specialist courses. In addition, officers selected for promotion will need to be put through special orientation courses

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

before or immediately after selection. The training for promotion at the higher levels should be kept separate from the ordinary refresher courses. If the mechanics of the selection of personnel for promotion is streamlined in such a fashion that it is possible to list all prospective candidates for promotion posts well in time, the organisation of pre-promotion institutional training for them can be greatly facilitated.

16 In order to avoid administrative inconvenience as also to ensure that the Prison Departments are able to derive full advantage from the various kinds of training programmes that may be organised from time to time, it will be necessary to provide an adequate training reserve in each grade of the prison cadre. This can be calculated by every State for itself. 7.5.8

17 Jail training institutions deserve to be planned and built to modern and scientific specifications, with appropriate lecture halls, discussion rooms, libraries, laboratories, workshops and other facilities. The older institutions should be assisted with financial grants from the Central Plan Funds to remodel and expand the existing buildings 7.6.1

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

and to put up new ones. The newly-proposed institutions should be given out-right grants to lay out their campuses straight-away, according to the requisite standards. It will also be necessary to go in for modern teaching tools and connected equipment in a big way.

18 The best available talent in the field, both from the angle of character and of efficiency, with a flair for the communication of ideas and imparting instruction, should be chosen for the instructional staff, which have the responsibility of moulding the careers of impressionable young officers. Apart from securing the very best Departmental officers, except Clinical Psychologists, Sociologists and Criminologists as well as Correctional Social Workers for individual and group therapy, will have to be drawn into these institutions.

19. The problem of staffing is closely linked with the question of adequate incentives. While experts from the Universities and other academic institutions may normally come on a tenure basis, with some deputation allowance, Prison Officers who are

7.6.2

7.6.2

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

selected on the basis of their merit and ability should be given, not only financial compensation, but a term in such an assignment should be considered a special qualification for preferment in service. These officers could also be given opportunities for training and study tours abroad.

20. The importance of the training of trainers cannot be over-emphasised. For this purpose, special courses on methods of instruction as well as on new developments in the field, could be provided in the National Institute to which we shall refer hereafter. 7.6.2

21. Modern methods of assessment of performance of the participants in the different types of courses will have to be devised. This need not always comprise of a series of end-of-course examinations. A multi-pronged and continuous process of assessment would be much better. The assessment of performance in the refresher courses can help to determine suitability for promotion or for special assignments like posting to a training institution. 7.6.3.

22. It will be necessary to have a small estab- 7.6.3.

SI. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

lishment to do some basic action-oriented evaluation and research in these institutions.

23. The facilities for in-service training available in the Tata Institute of Social Sciences, the Delhi, Baroda and Madras Schools of Social Work and the Departments of Psychology, Sociology, Criminology and Social Work in some Universities and those provided by the Central Bureau of Correctional Services should be utilised by the States to the maximum possible extent. 7.7.1.

24. The Government of India should consider the establishment of a National Institute of Correctional Administration as early as possible. Top-notch experts in the field should be collected together in this centre, so that it may be possible to secure the best training opportunities and guidance channels for the senior officers of the Prison and Correctional Services in India. The training programmes and assessment procedures in this institution should be such as to enable the spotting out of the best material to man the National Institute 7.8.4.

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

itself, apart from other important appointments in the field. It will, incidentally, serve as a general clearing house of ideas and co-ordinating centre of action programmes, by bringing together senior personnel of other connection departments for a better understanding of the objectives and procedures of modern correctional work.

25. The National Institute of Correctional Administration should be organise orientation training courses and seminars for judicial officers, in particular, to acquaint them with the latest concepts of Criminology and Penology relevant to their work. 7.8.5.

26. There is ample scope for international co-operation and United Nations technical assistance in the field of correctional training. Full advantage could be taken of the training courses available in the United Nations Institutes in Tokyo and Rome and in similar Institutions of the Commonwealth countries. In due course, the proposed National Institute could extend its training and other facilities to the neighbouring countries under the Colombo Plan and other similar schemes of international co-operation. 7.9.1.

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

CHAPTER VIII SERVICE CONDITIONS OF PRISON PERSONNEL

1. It is essential that a qualitative improvement should be brought about in the attitudes and functioning of the prison staff. A fatigued staff subject to domestic and other worries cannot be expected to undertake any correctional and reformative work in the prisons. This will be possible only when properly recruited and trained personnel are available in adequate numbers and when they are reasonably happy and contented. 8.1.2.
2. The service conditions should be related to the work to be performed, provide the necessary safeguards against the risks and handicaps involved in the profession, and afford to the personnel job satisfaction and opportunities for growth within the organisation. 8.1.3.
3. There should be a well planned and properly regulated time table of work hours for every category of personnel. 8.2.1.
4. The pay scales and allowances of prison personnel should be determined with due regard to their own particular responsi- 8.2.2

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

bilities, the expectations from them, the minimum necessary to attract the kind of persons required and the provisions that are made for the only other somewhat analogous service, i.e., the Police.

5 The strength of each category of staff 8.2.3. should be determined on an objective basis taking into account factors like reasonable hours of duty per day, the staff-prisoner ratio, the requirements of leave, sickness and training and promotion prospects.

6 The rank structure and promotional prospects 8.3.1 in any service should be such that new entrants may, ordinarily, be in a position to look forward to at least two grade promotions in a service span of about 30 years. Promotions at all levels should go by seniority, subject to the rejection of unfit, from among the suitably qualified persons. At the lower levels, the suitability or otherwise for promotion is best determined on the basis of tests held before or after suitable courses of training. In the higher strata, such suitability can be assessed on the basis of the qualifications and experience acquired

Sl. No. Summary of Recommendations Para No.

before and after joining the service and the record of performance as assessed from year to year.

7 In order to make the conditions of service 8.3.2 in the prison establishment really meaningful for the lowest tier of custodial staff consisting of warders, head warders and chief head warders, the custodial cadre should be restructured to a ratio of 30: 5: 1. The process of restructuring could be spread over a period of five years.

8 In States, where the intermediate posts of 8.3.3 Deputy Jailor or Jailor Grade II do not exist, a sufficient number of such posts should be created between Assistant Jailors and Jailors for dealing with specific responsibilities in the hierarchy. The promotional ratio for this middle tier could be 10: 3: 1.

9 The ratio of 5: 3: 1 is suggested for regulating the cadre strength of Superintendents, Grade II, Superintendents Grade I and Selection Grade Superintendents.

10 Promotion to the posts of Assistant Jailors and the lowest grade of Superintendent should be based on tests/interview by special selection boards, with the asso-

Sl. No. Summary of Recommendations Para No.

ciation of the Public Services Commission, as necessary.

11 The following facilities should be extended to prison personnel while they are on duty:- 8.4.1

(i) Rest rooms for the use of staff members who are required to wait in the institution in between their duty periods.

(ii) Canteens.

(iii) Bath rooms and lavatories.

(vi) Lockers.

(v) First-aid facilities.

(vi) Torches and boots for night duty.

12 Suitable rent-free quarters should be provided for the staff required to live on the premises in the vicinity of the institution. Till such time as Government quarters are not available, staff members should be given adequate house-rent allowance. Messes should be provided for the staff accommodated in barracks. All housing arrangements should include facilities for games and recreation. 8.5.1

13 Adequate prophylactic and medical facilities should be provided to the staff and their families in the prison insti- 8.5.2

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	----------

tutions.

14 The following facilities should be extended 8.5.3 to the prison staff for the education of their children:-

(i) Transport at Government cost or, in the alternative, suitable transport allowance in cases where the prison institution is located more than 5 kms. away from the nearest school/college.

(ii) Hostal accommodation for children of transferred and other staff members. Where independent hostels cannot be set up, seats should be secured for the children of the staff in other hostels.

15 The Government of India should institute 8.6.1 suitable medals for award to prison personnel for the recognition of bravery/maritorious service.

16 Necessary facilities for defence should be 8.7.1 extended to the staff members in the event of criminal prosecution/civil proceedings arising out of bona-fide discharge of official duty. Legitimate protection should also be extended to personnel in matters related to the recovery of damages for bona-

Sl. No.	<u>Summary of Recommendations</u>	Para No.
	fide delays, bona-fide error of judgement etc.	
17.	Suitable provisions should be made for the grant of extra-ordinary pensions in cases where members of the custodial staff die or are disabled in the discharge of their duties.	8.7.2
18.	A Welfare Fund, developed from monthly subscriptions from the staff, voluntary donations, interest accruing on invest- ments, benefit performance by artists, theatrical parties, cinemas, etc. should be created for providing help and amenities to the prison staff and their families. The State Governments should make matching contributions to the Staff Welfare Funds.	8.8.1
19.	The benefits to be provided to the personnel and their families out of the Welfare Fund should include medical aid where more than ordinary medical help is required and is beyond the economic capacity of a staff member; aid for the higher or technical education of children; facilities to the family members of the staff for running cottage industries and handicrafts like sewing, spinning, cottage match	8.8.2

Sl. No.	<u>Summery of Recommendations</u>	Para No.
------------	-----------------------------------	-------------

manufacture, etc.; and ex-gratia payment on the death of a member while in service.

20. At the institutional level, monthly staff meetings should be held, in which the members should be given opportunities to discuss their welfare problems. 8.8.2

CHAPTER IX CLASSIFICATION OF PRISONERS AND DIVERSIFICATION OF INSTITUTIONS

1. Scientific classification should be introduced in our prisons for all convicts sentenced to imprisonment for one year or more. 9.3.1

2. The Superintendent of the institution should serve as the Chairman of the Classification Committee. Its members will include the Deputy Superintendent, the officers in charge of Education, Vocational Training and Work Programmes, the Medical Officer and the Correctional Social Worker. Experts like Psychiatrists, Psychologists etc. should be associated with the Classification Committee even if they are appointed only on a part-time basis. The prison officer in charge of the Classification Unit should serve as the Secretary of 9.3.2

Sl. No.	Summary of Recommendations	Para No.
	the Committee.	
3.	The Central Bureau of Correctional Services should work out in consultation with the Bureau of Police Research & Development and appropriate experts, a sound system of the compilation of relevant information about prisoners by the police, probation officers, courts, employers and local authorities, etc. for circulation to the States/Union Territories.	9.3.3
4.	The prison system should broadly classify and assign prisoners to different institutions.	9.4.1
5.	Prison institutions should be diversified to provide for separate facilities for children, young adults, non-habitual offenders, habitual professional and organized criminals, offenders who are difficult discipline cases, women offenders, offenders suffering from mental disorders, old and infirm offenders, leprosy and T.B. cases and undertrial prisoners.	9.4.2
6.	Minimum security open institutions should be developed in the States which do not have such institutions at present in adequate numbers.	9.4.2

S1. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

7 States with large prison population may expand and upgrade some district prisons to central prisons so that all prisoners with sentences of over one year could be placed in central prisons, as far as possible.

9.4.3

CHAPTER X TREATMENT SERVICES AND WORK PROGRAMMES IN PRISONS

1. Apart from physical examination and treatment for common ailments, coupled with opportunities for specialist treatment in the civil hospitals, a prison medical department should constantly attempt to remedy defects that may have a direct bearing on the prisoners' behaviours.

Attitudinal and behavioural transformation is a difficult process and requires the induction of psychologists and psychiatrists in the prison administration. Psychiatrists and Clinical Psychologists should be appointed on a whole-time basis in all the Central Prisons and on a part-time basis in the larger District Prisons.

2. Formal, social and moral education is indispensable in the process of treatment. Audio-visual methods and the mass media could also be mobilized for imparting

10.2.1
10.2.2

10.3.1

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

formal education in prisons. There should be a daily routine of formal education in the programmes of the prisoners needing it. This part of treatment should neither be optional nor an additional activity at the end of the working day or in the evening. It will be necessary to make adequate arrangements for text books, class rooms and trained teachers, for this purpose. Libraries, daily newspapers, magazines, outside lectures, debates, recreation, sports, observance of national events and festivals, and symbolic functions based on our historical and cultural traditions can contribute a great deal to widening the horizons of the prisoners.

3 A suitable programme of vocational training should be drawn up for each prisoner and he should be assigned to production programmes only after he has acquired the minimum basic skills required. Long-term prisoners should be given opportunities for learning multiple skills. This will help them in their rehabilitation and resettlement in society. 10.4.1

4 The educational and vocational training 10.4.2

Sl. No.	Summary of Recommendations	Para No.
	Programmes in jails should be developed on the standards and requirements laid down by the State Education and Technical Education Departments. The training received in jails may have to be continued in after-care institutions after release with a view to obtaining recognised Diplomas or Certificates. Besides the standard recognised courses, condensed courses, which may get some degree of broad recognition from the concerned departments, can also be evolved for prisoners.	
5	There is a positive contribution to be made by the professionally qualified correctional social workers in the treatment of prisoners. The anti-social attitude of the offender has to be unravelled and opportunities provided to him to understand his own drawbacks and create in himself a desire to learn a new way of life.	10.5.2
6	Group methods enable a larger coverage by the treatment services and promote the active participation of different levels of staff in group discussions and other programmes. The programme of scouting,	10.5.3

Sl. No.	Summary of Recommendations	Para No.
	which aims at achieving a wholesome growth of human personality and character, can be organised purposefully in prisons.	
7	All prison personnel, including the security staff, should be motivated to contribute consciously, even if in a limited way, to the treatment process, as there is no conflict of goals among the custodial and correctional personnel working in prisons.	10.5.4
8	The question of providing adequate and useful employment to all prisoners who can be employed should receive serious consideration in the reorganisation of the prison administration in India.	10.6.2
9	The work programmes should be integrated with and serve as extensions of the treatment services provided in prisons, instead of being a means simply of utilising the labour of prisoners as exigencies permit or require.	10.6.3
10	Prisoners sentenced to imprisonment of less than one year may be utilised partly in the maintenance services in prisons and partly on prison farms wherever they may be available. The Inspector General of Prisons should decide the number of such prisoners who should	10.7.1

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

be retained in different prisons. All other short-term prisoners sentenced upto one year may be transferred to Work Camps which should be organised in each State, as necessary, in co-ordination with the Public Works, Irrigation and Forest Departments.

11 Prisoners sentenced to imprisonment for periods of more than one year should be given work on the basis of their classification and treatment. This will have to be provided in three broad areas, i.e., industry, agriculture and maintenance services. 10.8.1

12 It is high time that the outmoded conventions and practices, on the basis of which prison industries and work programmes have developed, are replaced by modern management techniques. 10.9.2

13 Most of the existing prison industries are outdated and should be modernised as speedily as possible. Each State should evaluate its prison industries with a view to improve the work methods and the range and quality of the goods manufactured with a view to

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

providing adequate employment to prisoners and also modernising the training programmes in prisons.

14 The reorganisation of prison industries 10.9.3 and vocational training programmes should be integrated with the allied Plan schemes. Priority should be given to such industries and vocational training programmes as would equip a prisoner to get a job after his release from prison.

15 In the larger States, prison industries 10.9.4 should be diversified on a regional basis. Each region should have a sufficient variety of prison industries, so that prisoners can derive advantage from diversified work programmes. The central and district prisons should be treated as basic units for programmes of diversified industries.

16 Prison industries should be classified 10.9.5 as principal and subsidiary industries. In central prisons, both principal and subsidiary industries can be organised properly. In district prisons, it may be possible to set up only subsidiary industries. Handicrafts could be ancillary activities to principal and subsidiary industries.

Sl. No.	Summary of Recommendations	Para No.
17	The following priorities are recommended for prison industries:- (1) articles required for the maintenance of prisoners, (2) articles required by the Prison Department, other State Government Departments, Central Government Ministries/Departments such as Railways, Posts and Telegraphs, etc. and autonomous bodies, municipal bodies, co-operative societies, etc; (3) Handicraft articles which have a local and/or outside market, and (4) articles for public sale.	10.9.6
18	Prison industries should be planned in terms of adequate monetary provision, physical facilities, full utilisation of manpower, availability of raw materials, equipment and stores and an efficient management organisation for production programmes, sales and disposal.	10.9.7
19	Prison industries should be planned at three levels, i.e., in government departments which are expected to place orders with the prison department, in the office of the Inspector General of Prisons, and	10.9.8

Sl. No.	Summary of Recommendations	Para No.
	in each Central and District prison.	
20	Prison products should be standardised in terms of specifications, patterns, designs and quality of products; type, quality and quantity of the raw materials required; equipment, tools, accessories and consumable stores required; unskilled, semi-skilled and skilled man-power required for each operation; and wages to be paid to prisoners for the separate operations involved in each type of product or job. Catalogues of standardised prison products should be prepared for each prison industry to help in organising sales.	10.9.9
21	The present work programmes in prison industries should be evaluated by experts in work-study methods with a view to putting them on a sound economic basis.	10.9.10
22	A definite wage policy should be adopted for prison labour. A more liberal system of wages based on market rates minus the computed cost of maintenance should provide a greater incentive for higher and better production.	10.9.11
23	A Depreciation Fund should be set up for	10.9.12

Sl. No.	Summary of Recommendations	Para No.
	prison industries by ploughing back the profits from prison industries.	
24	The following facilities should be provided in work-sheds and places where prisoners work: protection from heat, cold, rain, dust, smoke, fumes, gases and chemicals; damp-proof work areas; drinking water; spittoons, urinals and latrines; washing facilities; and first aid facilities. In addition, safety and fire-fighting equipment and accident and fire prevention measures should be provided in prison stores, work-sheds and areas where prisoners work.	10.9.13
25	As agriculture is the manistay of villagers and as more than 80% of the inmates of our prisons hail from the rural areas, agriculture should be treated as an important industry offering good employment opportunities for prisoners of this category.	10.10.1
26	A survey of all prison farms should be undertaken at the State level in respect of nature of soil, irrigability, crop producing ability. Cropping schemes should be prepared for each farm thereafter. The	10.10.2

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

irrigation potential of prison farms should be fully utilised for increasing production. The requirements of labour for each farm should be assessed. It should be ensured that this labour is always available, so that the production in prison farms can be continuous. Adequate funds should be provided for modernizing prison agriculture, by integrating it, in some suitable way, with the Five Year Plan Schemes. The performance of each prison should be annually evaluated.

Every State should have a few prisons where emphasis should be laid on agriculture. Some of the prisons can be semi-open or open prisons.

27	Dairies should be developed on prison farms where they can be run on a profitable basis. Prison farms and prison dairies should be utilised for imparting training to prisoners in improved methods of agriculture and dairying. Agro-industries could also be developed in prisons, wherever the facilities required are available.	10.10.3
----	--	---------

Sl. No.	Summary of Recommendations	Para No.
28	It should be ensured that prisoners are not employed on maintenance services at the cost of their treatment.	10.11.1
29	Many women offenders have to pass their time idly in prisons. Separate institutions for women offenders will enable special attention to be paid to their employment in crafts such as tailoring, hosiery, bidi-making, manufacture of stationery articles, etc.	10.12.1
30	The daily routine for young adult offenders should include two hours of academic education, one hour of vocational training and five hours of work in production units. This work experience should be combined with on-the-job or apprenticeship training. Employment in crafts, trades and industries should be aimed at helping them to get employment after their release from prison.	10.13.1

CHAPTER XI REVIEW OF SENTENCES, PREMATURE RELEASE AND AFTER-CARE

- 1 The general policy and the procedure for the review of sentences should be simplified and made uniform in all the States/Union Territories of the country. The Model Prison Manual contains provisions for review of sentences which

Sl. No. Summary of Recommendations Para No.

may be followed. The general policy may be reviewed in the light of experience every five years.

2 We agree with the provisions of the Model 11.1.2 Prison Manual as regards the categories of prisoners who should be considered eligible for review, except that, we feel that the aggregate substantive sentence for eligibility for review may be 3 years or more in the cases of well-conducted, non-habitual adult offenders also and their cases may be reviewed after they have undergone half of their substantive sentences, inclusive of remission. 11.1.3

3 Every State/Union Territory should constitute one or more Review or Advisory Boards depending upon its size. This review should be made on the basis of a Review File to be maintained for each eligible prisoner. 11.1.4

4 The Board should examine the Review Files and may recommend deserving prisoners for premature release or order that the case should be reconsidered after a specified period or recommend alternate measures of treatment in respect of individual prisoners.

Sl. No.	Summary of Recommendations	Para No.
5	Welfare Officers should be appointed in all jails at the rate of one for 200 prisoners. It should be a part of the duty of these officers, in co-ordination with after-care agencies in the field, to organise pre-release programmes for prisoners who are due for release in the next six months and getting them ready for release in all respects. These programmes could include broad-based efforts of systematic counselling and occasional lectures or interviews by suitable persons from the After-care Services and voluntary agencies like the Discharged Prisoners' Aid Societies.	11.2.1
6	Official and non-official efforts should be planned purposefully for organizing pre-release programmes. It will be necessary to set up in every major correctional institution a case-review committee to consider periodically as to what type of help will be needed by particular prisoners on their release.	11.2.2
7	After-care assistance should not end with some moral advice on how to behave after release. Well-planned after-care services	11.3.3

may provide any of the following options to the prisoner and his family :-

- (a) Timely financial assistance. The scheme should be flexible not only as regards the procedure for securing financial assistance but also as to its range so that it may meet the needs of a variety of prisoners.
- (b) Job-placement by issuing of certificates about the proficiency acquired by prisoners in particular crafts or vocations during their stay in prison and also about their character and conduct. It will be helpful if the proficiency certificates could be issued by the Technical Education Directorate or the Directorate of Training and Employment so that it may be free of any stigma and there may be no doubt as to the standard achieved by the holder.
- (c) Placement in a job or economic rehabilitation in advance. The job placement can be done in collaboration with the local employment authorities, who should be associated with the case-

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

review Committees. The Prison Welfare and After-care Officers should keep in regular contact with such agencies in order to create a social awareness about the needs of released prisoners. The Ministry of Home Affairs, Government of India have issued meaningful guide-lines to the States regarding the eligibility of ex-convicts for appointment under Government. A copy of the relevant circular has been reproduced in Appendix VI. It is essential for the success of this scheme that a periodical appraisal of its implementation should be made by the Inspector General of Prisons.

8 There is need for an officially sponsored autonomous after-care agency in every district and at the State level. Residential facilities in an after-care hostel or home may be required for a good number of released prisoners. Separate units of this kind will be needed for boys, men, girls and women. It may be useful to have small workshops attached to such institutions to keep those inmates occupied who may not find jobs immediately.

9 The follow-up of every case discharged

11.3.5

11.3.6

Sl. No.	Summary of Recommendations	Para No.
	from prisons for a specified period should be laid down in the Prison Manuals. The institutional records relating to prisoners should be maintained for a specified period. The probation service operating in the open community should provide the necessary liaison with the prison authorities.	
10	Along with the State-level After-Care Association, there will be need for a federating agency at the national level to facilitate the exchange of information, views and experience and to give financial assistance.	11.3.7
11	The bulk of the financial resources required will have to come from funds placed at the disposal of the prison departments at the State level, directly or through departments responsible for education and employment, as after-care is a legitimate responsibility of the State. As an essential welfare service, new schemes in this direction could be sponsored and financed under the Five Year Plans. However, the officially-sponsored District and State-level after-care agencies should also raise funds through non-	11.3.8

Sl. No. Summary of Recommendations Para No.

governmental sources. The ex-prisoners lodged in hostel or homes, while earning, can be expected to pay a part of their income to the agency. The Central Social Welfare Board and the National After-Care Federation should also make available some ad hoc grants to non-official after-care agencies for specific purposes.

CHAPTER XII PRISON ARCHITECTURE AND BUILDINGS

1 It is understood that the Ministry of Home Affairs 12.1.1 are contemplating the appointment of an ad hoc Committee consisting of architects, engineers, etc. to examine the building needs of the prisons, lay down minimum standards in prison construction and prepare type designs, plans and estimates for prisons of different categories. Such a Working Group may be appointed as early as possible. It is desirable that one or two Inspectors General of Prisons of the States and correctional experts may also be included in the Working Group. The Group may examine the plans for new prison buildings that may have been prepared in the States since Independence.

Sl. No.	Summary of Recommendations	Para No.
2	The siting, design and construction of prison buildings should be changed to suit the requirements of the modern penal philosophy of correctional treatment.	12.2.1
3	While planning a new unit of prison buildings, the prison administration should give close attention to the following points before conveying the needs to the architect and the engineer in concrete terms:-	12.2.2
	(i) The functions which the proposed unit will serve, i.e., whether it will be a sub-jail, district jail, central prison, special institution for a specified category of prisoners, etc.	
	(ii) The numbers of the prisoners and the staff to be accommodated in the unit.	
	(iii) The security risk categorisation of the prisoners in question, i.e., whether maximum, medium or minimum security prisoners.	
	(iv) The classification of the various categories of prisoners to be housed in the unit.	
	(v) Type of work and training programmes proposed to be organized in the unit.	

Sl. No.	Summary of Recommendations	Para No.
4	The building design should combine the security needs with functional utility and provide an atmosphere which may promote work efficiency as well as harmonious relations between the staff and the prisoners and among the prisoners themselves.	12.2.3
5	We are in broad agreement with the minimum standards for prison accommodation and buildings laid down in the Model Prison Manual. Central prisons should be located on the outskirts of cities. Prisons for remand and undertrial prisoners should, as far as possible, be located near the trying criminal courts. The population of a Central Prison should not normally exceed 750 and of a District Prison 400. No dormitory in any of these prisons should have more than 60 inmates. Sleeping barracks should have per head of inmates, 50 sq. ft. of ground space, 12 sq. ft. of lateral ventilation and 500 cubic ft. of air space. These may vary according to climatic conditions. The overall area of accommodation per individual within the prison walls may be raised from 75 sq. yards to 80 sq. metres.	12.3.1
6	There should be adequate space outside the	12.3.2

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

perimeter wall of the prison on all sides, preferably astride an outer security road, to a distance of about 45 to 70 metres from the wall, in order to ensure effective security by preventing unplanned, unhealthy and annoying encroachments coming up too close to the jail wall and also to make available sufficient open land for fresh air, exercise and agricultural programmes.

7 The administrative building should in future 12.3.4 have, besides the office rooms, a conference room and an administrative staff room, a control room with telephone, wireless and electronic alarm systems, connecting all units on the premises and also the offices of the Inspector General of Prisons, the District Magistrate and the Superintendent of Police outside. An improved interview room with minimum facilities should be provided in the administrative block. Suitable buildings should be provided for the Reception and Classification Units and for the individualised treatment of the inmates through diversified educational and work programmes. The hospital should have attached rooms for

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

psychiatrists and other specialists, besides a properly equipped clinical laboratory. No single prison kitchen should normally be required to cook and cater for more than 300 persons. Flush latrines should be available in each sector and cell and each barrack should also have flush latrines for night use. There should be adequate provision for water supply and electric lighting. Fire fighting and emergency requirements and devices should be built into the plan of the buildings.

8 The future programme for prison buildings 12.4.2 should have the following order of priorities:-

- (i) Repairs, renovation and provision of modern amenities for sanitation, water supply and electricity in all existing prison institutions.
- (ii) Provision of adequate staff quarters in all prison institutions.
- (iii) Construction of new Units of suitable sizes close to trial courts for remand prisoners and under-trials, beginning from places where there is heavy and continued pressure on existing prisons

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

on this account.

(iv) Construction of Special institutions for young adult offenders, women, etc., as recommended in this report

(v) Construction of new buildings for prisons accommodated in old improvised structures not intended originally for the purpose of housing prisoners.

9 The major thrust in the prison administration should be on the provision of more and more medium and minimum security and open institutions, including Work Centres and Camps.

सत्यमेव जयते

CHAPTER XIII ORDER OF PRIORITIES FOR PRISON DEVELOPMENT SCHEMES

1 The question of priorities in prison development schemes may be considered on the basis of blocks of recommendations with priorities within each block. The recommendations in each block should be considered for implementation simultaneously.

2 The highest priority should be given to the adoption of a national policy on prisons with the inclusion of certain aspects

Sl. No. Summary of Recommendations Para No.

of the prison administration in the Fifth Five Year Plan, the amendment of the Constitution to include the subject of prisons and allied institutions in the Concurrent List, the enactment of suitable legislation by the Centre as well as the States, the establishment of a National Institute of Correctional Administration, the reorganisation of the prison departments in the States/Union Territories as recommended in Chapter V, and the revision of the State Prison Manuals.

3 A one-time review should be carried out in 13.3.1 1974 with a view to the release of a substantial number of undertrials of specified categories and also a proportion of convicts. This should be accompanied by a State-wide survey and the preparation of plans for the construction of custodial institutions for housing undertrials close to courts. A suitable machinery should be created thereafter for introducing a scientific classification of prisoners and the modernisation and development of treatment services and work programmes as recommended in Chapter X.

Sl. No.	Summary of Recommendations	Para No.
4	Work Centres and Camps may be set up in a planned manner. Probation services should be developed to the extent required on a priority basis. At the same time, the internal administration in the existing prison institutions may be improved as recommended in Chapter VI.	13.4.1
5	The recommendations with regard to recruitment and training contained in Chapter VII should be implemented with high priority. The most important of these relate to the establishment/ improvement of jail training institutions and the organisation of basic, refresher, promotion and specialist courses therein. At the same time, the conditions of service of the prison staff should be reviewed and the construction of adequate residential accommodation for the staff close to	13.5.1

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

prison institutions should be undertaken within a fixed time-frame of say not more than 5 years. Yet another aspect of the development of prison services will be the introduction of specialists like psychologists, psychiatrists, trained correctional workers, etc.

6 Recommendations relating to remission, para 13.6.1 role, premature release and pre-release and after-care programmes may be implemented as a separate block.

7 The other components of the building programme of the prisons indicated in Chapter XII should also be taken up systematically so that the existing prison institutions are repaired, renovated and improved according to requirements and new institutions are built for special categories of inmates

Sl. No.	Summary of Recommendations	Para No.
------------	----------------------------	-------------

like young adults, women and the mentally ill offenders as early as possible. At the same time more open prisons should be set up in States, where their number, at present, is inadequate.

Members

A. Gupta
Chairman

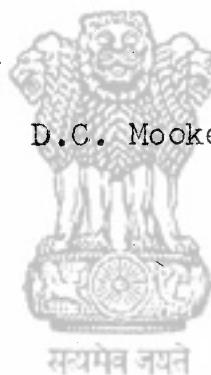
S.C. Goil

D.C. Mookerjee

L.T. Blake

Co-opted
Members

Jyotsna H. Shah
Convenor/Secretary



J.J. Panakal

D.J. Jadhav

S.M. Diaz

A.K. Bose

APPENDIX I

No. F. 3/45/72-GPA. II
GOVERNMENT OF INDIA/ BHARAT SARKAR
MINISTRY OF HOME AFFAIRS
(GRAM SAMKRITIYA)

To

The Director,
Central Bureau of Correctional Services,
Ramakrishnapuram, New Delhi.

NEW DELHI : 110001 the 18th October, 1972.

Sub:- Setting up of a 'Working Group' to examine measures streamlining the Prison set up in the country.

Sir,

I am directed to say that with a view to streamline and improve the jail administration and conditions of living in the prisons, it is felt necessary to get a thorough study made of the conditions in the prisons and their administration to suggest ways and means for their improvement. The problem of reforming the criminals and their moral rehabilitation has also to be examined. The Central Government have, therefore, decided to set up a Working Group consisting of :

- 1) The Inspector General of Prisons : Member Maharashtra State.
- ii) The Inspector General of Prisons : do West Bengal State.
- iii) The Inspector General of Prisons : do Uttar Pradesh State, and
- iv) The Director, Central Bureau of Correctional Services. : Convenor/ Secretary

The Working Group may co-opt professors, technical personnel and specialists to assist them in the examination of different problems connected with prisons. The senior-most Inspector General of Prisons, present in a meeting, would act as the Chairman.

2. The Police Division of the Ministry of Home Affairs would function as the secretariat of the Working Group.

3. The term of reference of the Working Group are as follows:-

- i) To examine the physical and administrative conditions of the jails and to suggest ways and means of improving them.
- ii) To lay down standards in respect of different services and facilities in the jails.
- iii) To examine the position in respect of the existing prison accommodation and lay down guidelines for construction of new prison buildings.
- iv) To analyse the factors hampering the growth of prison development and formulate training programmes for the prison staff.
- v) To lay down an order of priorities for the prison development schemes.
- vi) To suggest ways and means for incorporating the principles of reformation and resettlement of the criminals in the system of administration of the jails and the treatment of the criminals.
- vii) To consider other allied matters concerning prisons and prisoners.

I am to add, that the Working Group may submit its report latest by the 31st December, 1972.

सत्यमेव जयते

Yours faithfully,

Sd/-

(AMAR SINGH)
DEPUTY SECRETARY TO THE GOVT. OF INDIA.

APPENDIX II

No. 3/46/72-GPA.II

Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

To

The Director,
Central Bureau of Correctional Services,
R.K.Puram, New Delhi.

NEW DELHI 110001, the 8th December, 1972
17 Agrahayana, 1894

Subject:- Setting up of a 'Working Group' to examine
measures streamlining the Prison set up in
the country.

Sir,

I am directed to refer to this Ministry's
letter No. 3/46/72-GPA.II, dated 18th October, 1972 on
the above subject, and to say that the Central Govern-
ment have also nominated Dr. A. Gupta, Director,
Bureau of Police Research and Development as member of
the Working Group set up to examine measures for stream-
lining the Prison set up in the country. It has also
been decided that Dr. A. Gupta will act as Chairman of
the Working Group. The instructions contained in this
Ministry's letter dated 18th October, 1972 under
reference, therefore, stand modified to the above
extent.

Yours faithfully,

Ed/-

(Amar Singh)
Deputy Secretary to the Govt. of India.

APPENDIX III

No. 3/46/72-GPA. II

Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

To

The Secretary,
Home Department,
All State Governments.

NEW DELHI 110001, the 4th January, 1973.
14 Pausa, 1894.

Subject:- Setting up of Working Group to examine
measures streamlining Prisons set up in
the country.

Sir,

I am directed therefore to this Ministry's
letter No. 3/46/72-GPA.II dated the 18th October, 1972
on the above subject, and to say that the following
have been coopted as members of the Working Group,
constituted to examine measures for streamlining the
Prisons set up, in the country:-

1. Dr. A. Gupta,
Director, Bureau of Police Research
and Development, New Delhi.
2. Shri. J. J. Parakal,
Head, Department of Criminology and
Correctional Administration,
Tata Institute of Social Sciences,
Bombay.
3. Shri D. J. Jadhav,
Director, Social Welfare,
Government of Maharashtra, Poona.
4. Shri P. Kuppuswamy,
Inspector General of Prisons, Tamil Nadu.
5. Shri P. Gopala Menon,
Inspector General of Prisons, Karala.
6. Shri G. B. Patil,
Inspector General of Prisons,
Andhra Pradesh.
7. Shri R. P. Puri,
Inspector General of Prisons,
Punjab.

8. Shri. A.S. Ranawat,
Inspector General of Prisons,
Rajasthan.
9. Shri R.K. Srivastava,
Inspector General of Prisons,
Bihar.
10. Dr. N. Mohanty,
Inspector General of Prisons,
Orissa.

Yours faithfully,

Sd/-

(Amar Singh)
Deputy Secretary to the Govt. of India.



APPENDIX IV

INTERIM REPORT OF THE WORKING GROUP ON THE PRISON SET-UP IN THE COUNTRY

Preface

The Ministry of Home Affairs set up a Working Group to examine measures to streamline the Prison set up in the country vide their letter No. 3/46/72-GPA.II dated the 18th October, 1972, read with their letters of even number dated the 8th December, 1972 and the 4th January, 1973.

2. The composition of the Group is as follows :-

(1) Dr. A. Gupta, Director, Bureau of Police Research & Development, New Delhi.	Chairman
(2) Shri K. Sivaramakrishnan, Inspector General of Prisons, Maharashtra State.	Member
(3) Shri D. C. Mookerjee, Inspector General of Prisons, West Bengal State.	Member
(4) Shri S. C. Goil, Inspector General of Prisons, Uttar Pradesh State.	Member
(5) Shri J. J. Panakal, Head, Department of Criminology & Correctional Administration, Tata Institute of Social Sciences, Bombay.	Co-opted Member
(6) Shri D. J. Jadhav, Director, Social Welfare, Government of Maharashtra, Poona.	Co-opted Member
(7) Shri P. Kuppuswamy, Inspector General of Prisons, Tamil Nadu.	Co-opted Member
(8) Shri P. Gopala Menon, Inspector General of Prisons, Kerala.	Co-opted Member
(9) Shri C. B. Patil, Inspector General of Prisons, Andhra Pradesh.	Co-opted Member
(10) Shri R. P. Puri, Inspector General of Prisons, Punjab.	Co-opted Member

(11)	Shri A.S. Ranawat, Inspector General of Prisons, Rajasthan.	Co-opted Member
(12)	Shri R.K. Srivastava, Inspector General of Prisons, Bihar.	Co-opted Member
(13)	Dr. N. Mohanty, Inspector General of Prisons, Orissa.	Co-opted Member
(14)	Dr. (Smt.) Jyotsna K. Shah, Director, Central Bureau of Correctional Services, New Delhi.	Convenor/Secretary

3. The Group has held three meetings at Delhi and decided that, as the Fifth Five Year Plan is on the anvil, they should submit an Interim Report as soon as possible highlighting the areas which require immediate attention and allocation of funds and that this may be followed up by the main Report in due course. The object of submitting the Interim Report is to enable the Government of India to examine the question of some aspects of the Prison Administration to be included in the Fifth Five Year Plan and the last year of the Fourth Plan. The Working Group has authorised me to present the following Interim Report accordingly. This has been prepared on the basis of the information available at present and has been approved by the Group.

सत्यमेव जयते

Sd/-
(A. GOPTA)
CHAIRMAN

New Delhi,
5th February, 1973.

Introduction and Background

The problems of prisons are not unknown and have been examined by various Committees, Groups and Experts both before and after the independence of the country.

After Independence, the first such examination was made at the national level by Dr. Walter C. Reckless, who came to India under the United Nations Technical Assistance Programme in 1952 at the instance of the Ministry of Home Affairs and made a number of important recommendations in his Report "Jail Administration in India". At the same time the problems of the prisons were considered by the 8th Conference of the Inspectors General of Prisons.

In 1957, the Government of India appointed an All India Jail Manual Committee, as recommended by Dr. Reckless, which went into all aspects of the Prison Administration, prepared a report and drafted a Model Prison Manual in 1959, on the basis of which the State Governments might modify their own State Prison Manuals.

The Central Bureau of Correctional Services was set up in 1961-62 in the Ministry of Home Affairs. During the year 1964-65, the Bureau was transferred to the then Ministry of Social Security, now Department of Social Welfare, while the subject of prisons remained with the Ministry of Home Affairs. The All India Seminar on Correctional Services organized by the Bureau in 1969 considered prison problems also.

The Working Group on Social Defence for the Fourth Five Year Plan set up by the Planning Commission in 1968 pointed out the need for a thorough re-organization of the Prison Administration. The Central Advisory Board on Correctional Services have gone into some of these problems in their successive meetings in 1970 and 1971. The National Conference on Probation and Allied Measures, 1971 and the Conference of the Inspectors General of Prisons held in the same year considered questions relating to the prison administration. The Working Group on Social Defence for the Fifth Five Year Plan has also drawn attention to the various deficiencies of the prison set up in the country.

Jail Reforms Committees set up in a number of States also addressed themselves to some of these problems.

Major Handicaps and Inadequacies

The major handicaps and inadequacies of the Prison Administration are as follows :-

- (1) Overcrowding in prisons of all categories is a very serious and widespread problem. This is aggravated by the increasing undertrial population.
- (2) The prison buildings are 75 - 100 years old, ill-equipped and ill-furnished and without proper ventilation or sanitation or kitchen or water supply arrangements. Most prisons house convicts as well as undertrials and are in the nature of maximum security institutions, without adequate facilities for the classification of prisoners. In many prisons juveniles are housed along with adults and there are no facilities for specialised treatment to prisoners needing it.
- (3) The housing of the prison staff has not received adequate attention and there is a great shortage of residential accommodation.
- (4) The industries and agriculture in the prisons are based on machinery and equipment which are woefully out of date because of low investment. There is no proper provision of workshops or technical staff and there is considerable unemployment and under-employment in the prison population.
- (5) The staff structure is outmoded and the staff provided in the prisons is mainly custodial and inadequate, ill-paid and qualitatively poor. Considerable reliance is placed on convict staff, which is not desirable. There are no specialists like psychologists, psychiatrists and therapists.
- (6) The arrangements for the training of prison personnel are extremely inadequate. Only five States have Jail Training Schools.
- (7) The security, alarm and communications system is completely devoid of any scientific devices like electric alarms, searchlights, wireless communication and binoculars, etc.
- (8) The Prison Legislation and Prison Rules extant in the country are very old and are unaffected by modern concepts of correctional work.
- (9) The set up of the Prison Administration in the States is out-moded. There is no All India Services for the Prison Administration and senior posts are manned by a variety of officers with the result that no expert knowledge is brought to bear upon the functioning of prisons.

(10) The development of treatment services for prisoners and allied services like Probation, After-care and Parole and institutions for women and children has not proceeded on a uniform or systematic basis in the various States.

An Evaluation of the Follow-up Action in the Decade
Prison Problems become more acute :

An assessment of the progress made in the prison field leads one to the depressing finding that in response to the various recommendations made in the earlier Reports, very limited action has followed. From 1952 till 1969, there was no meeting of Inspectors General of Prisons, even to give expression to and to highlight what was happening in this field. The recommendations of the All India Jail Manual Committee were circulated to the States by the Ministry of Home Affairs in 1964, but their response has been very halting.

The total cognizable crime under the Indian Penal Code in the country during the period 1960-1970 shows an overall increase of 57.6% and the estimated mid-year population of these States registered during the same period an increase of 27.4%. Thus, the rate of growth of crime has far outpaced the rate of growth of population.¹

The number of undertrials received in the jails in 11 States and 2 Union Territories has gone up from 4,95,754 to 6,75,460 over the period 1961-69. The total number of convicts increased from 3,65,485 to 4,45,175. The total number of prisoners, both undertrials and convicts, has risen from 8,61,239 to 11,23,635.²

The classification of convicts admitted in the prisons by age shows that convicts under 16 years of age have increased from 1,322 to 3,216. The prisoners in 16-21 years age group have increased from 52,171 to 52,540. Convicts over 21 years show an increase from 2,72,734 to 3,65,245.

Although there has been a substantial increase in the number of convicts and undertrials, the capacity of the prisons has remained more or less static. Indeed, the prison population rises off and on in the wake of agitations of various kinds aggravating the situation still further.

1. Crime in India, 1970.
2. Figures supplied by the Central Bureau of Correctional Services.
3. Ibid.

To quote a few examples, according to the latest information, in West Bengal, the daily average number of undertrials is 17,035 against a total capacity of 8,064. The State also has a severe problem of detenus. In Uttar Pradesh, the total sanctioned capacity for undertrials in the Central Jails, the District Jails and the Sub-Jails is 7,067, while the daily average population of undertrials is 15,930. It is also noteworthy that, while in 1962, the numbers of undertrials and convicts were 12,432 and 23,804 respectively, in 1972 these have changed to 20,378 and 14,800 respectively. In Tamil Nadu, against a sanctioned capacity for 739 undertrials, the daily average population is 2,537. In Maharashtra, against a capacity of about 14,000 the population in the prisons is generally of the order of 18,000 to 20,000. On occasions, the population rose to as high as 44,000 and generally the maximum population during a year is of the order of 22,000 prisoners. The jails in Bihar are required to house a total number of 28,000 undertrial prisoners, exceeding the convict prisoners by four times, which is a situation fraught with grave problems especially when the building accommodation can hardly accommodate one fourth the number. The Prison Department in Orissa has an average of 7,700 inmates, out of whom 4,700 are undertrials, while the total capacity for undertrials is only 1,688. In Andhra Pradesh, the 4 Central Jails are heavily overcrowded, with a population of 8,352 against a capacity of 4,766 and there are no separate detention facilities of undertrials and convicts. The existing accommodation cannot accommodate all the prisoners, if the per capita standards are fulfilled. There are no Special Jails for physically or mentally retarded prisoners, nor for those suffering from leprosy or T.B. In Kerala, there is a need for separate unit of maximum security for dangerous prisoners and for the separation of convicts from undertrials. In Mysore, there is overcrowding in Central and District Jails and additional accommodation is needed for about 1,4000 convicts. In Rajasthan, additional accommodation is needed for about 1,465 undertrials.

In West Bengal, there is a shortage of accommodation for 2,838 members of the staff of various categories. In Uttar Pradesh, 958 housing units are needed in addition to the existing number of staff quarters. The requirement of housing units in Tamil Nadu and Andhra Pradesh is about 760 and 600 respectively. There is a shortage of 650 units for various grades of staff in Andhra Pradesh, 435 units in Kerala, 296 units in Mysore, 77 units in Haryana, 507 units in Orissa and 576 units in Rajasthan.

Reasons for present state of affairs :

Basically there are two main reasons for the present state of affairs as follows :

- (1) Although Social Defence has been included in the Five Year Plans, no national policy has emerged as yet in this regard. There is a Central Children Act and a number of States have their own Children Acts; while some States do not have any such Act. The same applies to institutions like Borstal Schools, etc. With regard to Probation and Parole also, there is no uniform approach in the States. Moreover, the Jail Administration is excluded from the concept of Social Defence envisaged in the Plans.
- (2) The subject of "Prisons, Reformatories, Borstal institutions and other institutions of like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions" has been included in the State List in the Seventh Schedule of the Constitution of India. Being a non-Plan subject, the Prison Administration has suffered from the inadequacy of resources in the States, as it is invariably accorded a very low priority.

Remedial Steps :

सम्योग जनने

(1) A New Approach to Policy

In view of the gravity of the problem facing the prison administration, there is need for evolving a national policy and an integrated approach covering all aspects of the treatment of offenders. Such an integral approach calls for a policy, wherein the total problem of the causes of crime and its prevention and the institutional and non-institutional treatment of offenders of all categories may be tackled through a well laid out strategy of reforming and correcting offenders, instead of penalising, punishing and stigmatising them. This strategy will have to be understood and accepted by all the agencies involved in the programme. The modern concept of the criminal justice system reflected in the social defence approach has to be grasped by all concerned. Non-institutional treatment services should be used more liberally. Taking away children, young offenders and short terrors, lunatics, diseased prisoners and

other special groups to special treatment institutions will be necessary. Those steps will have a direct impact on reducing over-crowding and improving the nature of the facilities needed in prisons.

At the institutional level, individualised treatment programmes to suit the needs of individual prisoners in place of treatment en masse is immediately called for with the aid of treatment personnel like doctors, psychologists, psychiatrists, social workers, trade teachers and others. The prison discipline has to aim at teaching the offender self-discipline whereby he can be released to the open society by stages. A system of periodical review of sentences and an enthusiastic approach to release offenders from prisons as soon as they are ready to meet the challenges of life in an open community has to be evolved and accepted. Systematic efforts are necessary to dovetail programmes in prisons into after-care and rehabilitation on release. The ultimate objective of the criminal justice system has to be in tune with the above policy and necessary changes have to be introduced at all levels. As the problems of the prisons are intricately tied up with the Criminal and other legislation, the substantive law, the procedural law and the prison laws need to be thoroughly reviewed and amended or overhauled in the light of the policy that may be adopted.

At the same time it is necessary to ensure that the prison staff is of suitable quality and that their conditions of service are reasonable. We shall deal with the various aspects of this subject at length in our main report.

(2) Buildings:

There is urgent need of renovating the existing buildings thoroughly and constructing new functional buildings of different categories according to requirements. These will include Detention Centres for undertrials, minimum, medium and maximum security institutions, special institutions for juveniles, youthful offenders, women, lunatics, habitual offenders, etc., residential accommodation for prison staff, workshops and ancillary buildings for prison industries and training institutions. There is also need of more open prisons and work camps. All jail buildings should be electrified and provided with adequate water supply, sanitary and kitchen facilities.

(3) Modernisation of Industries, Agriculture and other Work Programmes of Prisoners

There is a general consensus that the existing units of industries, trades, handicrafts and other work items, to keep the prisoners engaged, are thoroughly out of date, incapable of engaging all the prisoners, unhelpful for employment in the open market, and, above all, it seems that prisoners are assigned to them simply for the objective of killing time. In terms of vocational or craft training, it has little value. Modern machinery and equipment for employing the inmates gainfully in the existing and new industries and trades are needed. Institutional programmes for the educational and vocational training of the inmates have also to be improved upon so that they assist in the rehabilitation of the convicts. There should be diversification and specialization in the different institutions in respect of industries and crafts. Production-oriented programmes should be organized for short term prisoners and production-cum-training-oriented programmes for long term prisoners. Manufacturing units should aim at producing items with an assured market. This could be done by supplying the requirements of the Central and State Governments in respect of carpets, uniforms, furniture, printed matter, etc. The working conditions should approximate to those prevailing in the outside community. The work programmes should take due account of the availability of raw material and the demands for goods and services in particular regions in which different institutions are located. There should be quality control of products. The profits from jail products should be ploughed back for the development of the industries and crafts concerned and where no profits can be made, Government should make the investments required for development and modernisation.

(4) Training and Research :

The training facilities for the prison personnel existing in the country need to be expanded considerably. A general review of the overall prison personnel in the country at the junior and senior levels reveals that there is likely to be a sizeable number of staff members who need training at various levels. Training for custodial and correctional personnel has to be planned without making a strong distinction between the two and could be carried on in one and the same institution. All basic, refresher and specialist courses for the lower ranks should be conducted in State Jail Training Institutions of the higher ranks in other appropriate institutions. The provision of staff in the various kinds of institutions needs

to be made on an objective and rational basis. There is need also of modern audio-visual training aids and suitable educative material.

(5) Equipments, installations and fixtures, alarm and communications:

The prisons should use modern techniques, apparatus and latest technology as far as possible to facilitate inter-communication, security, mob control, etc. In this light, a modern system of alarm, radio-telephone links with the city control of the police, fire-fighting equipment and closed circuit TV, etc, should be used wherever possible.

Recommendation:

Having regard to the impact that socio-economic developments in the society outside have on the size and composition of the prison population, the modern concepts of the treatment of offenders and the extent to which prison development has suffered on account of a lack of funds, we recommend that the following aspects of the Prison Administration should be made a Plan subject in the Fifth-Five Year Plan and the last year of the Fourth Plan :-

- (1) Improvement of existing buildings, and construction of new buildings for under-trials and the various categories of prisoners.
- (2) Construction of residential accommodation for the staff.
- (3) Modernization of industry and agriculture in prisons and correctional institutions.
- (4) Provision of scientific and technological facilities in prisons, such as security, fire-fighting, alarm and communication arrangements.
- (5) Basic, refresher and specialist training of prison personnel from the policy making to the lowest levels.

Financial Implications:

Enquiries made from the States show that the 10 States of Andhra Pradesh, Haryana, Kerala, Mysore, Maharashtra, Orissa, Rajasthan, Tamil Nadu, U.P. and West Bengal alone require about Rs. 43.5 crores in the next five years for these purposes. Considering the

needs of the whole country, our tentative estimate is that a provision of Rs.100 crores will be required in the Fifth Five Year Plan for the improvement of the prison set up so as to meet some of the basic needs of the present situation as indicated below :-

(Rupees in Lakhs)

	10 States requirements	National requirements
1. Building for prisons.	2,337.30	4,200.00
2. Staff Quarters.	572.46	800.00
3. Equipment.	405.47	700.00
4. Industries and Agriculture, including open air jails.	1,035.91 *	3,800.00
5. Training.		500.00
<hr/>	<hr/>	<hr/>
TOTAL	4,351.14	10,000.00
<hr/>	<hr/>	<hr/>

(* Does not include requirements of Orissa).

संघर्षव नियन्ते

Proceeding on an ad hoc basis, a provision of about Rs.10 crores in the last year of the Fourth Plan should enable the States to embark on some measures of improvement immediately.

APPENDIX V

No. 5/3/60-P. IV
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

To

All State Governments (Except Jammu & Kashmir).

New Delhi-11, the 18th May, 1964.

Subject:- Revision of Jail Manuals - Recommendations of the All India Jail Manual Committee.

Sir,

I am directed to invite a reference to this Ministry letter No.F.5/3/60-P. IV, dated the 4th August, 1960, forwarding summary of recommendations and Report of the All India Jail Manual Committee and the Model Prison Manual and inviting comments thereon. The final consideration of the matter has taken considerable time as replies had not been received from all the State Governments. The comments so far received from the State Governments, etc., have been considered by the Government of India and their views on the principal recommendations of the Committee are given below:-

2. Part I contains the recommendations on which action is to be taken by the Government of India (other than legislation); Part II contains the items which were specifically referred to the Committee for examining and making recommendations; Part III contains suggestions as regards other important prison reforms, in respect of which it is highly desirable to have as much uniformity as possible throughout the country; and Part IV contains recommendations relating to amendment of certain Acts and enactment of certain legislation.

PART I :

- (1) Establishment of a Central Bureau of Correctional Services - (Para 42 (1) compilation and publication of yearly statistics relating to prevention of crime, and offenders on an all India basis (Para 44(V), and its functioning as clearing house of information regarding training facilities in India and abroad (Para 57(VI).

The Central Bureau of Correctional Services has already been set up in 1961 and it has, inter alia, been assigned the functions recommended by the Committee.

(2) Constitution of a Central Advisory Board to discuss problems relating to Correctional Services (Para 42(II)).

(3) Annual Conference of Correctional Administrators (Inspectors General of Prisons, Senior Correctional Administrators, etc.) to be convened by the Government of India (Para 193).

Since the type of Board recommended by the Committee is likely to become very unwieldy and would not serve any useful purpose, it has been decided to accept the principle of establishment of an Advisory Committee of more manageable proportions, consisting only of experts in the correctional field and may have by rotation two Inspectors General of Prisons and Correctional Services from States. The Director, Central Bureau of Correctional Services would be the Chairman of the proposed Committee.

In addition to the above mentioned committee, it is proposed to convene conferences of Inspectors General of Prisons once in two years under the guidance of the Home Ministry by the Central Bureau of Correctional Services. For higher appraisal of the work being done in the Correctional field and to frame broad policy outlines for future work, the Ministers in charge from the various States may meet in a conference once every five years or so.

(4) Organisation of seminars and conferences of correctional workers at the Central and State levels (Para 57(IX)).

The recommendation of the Committee has been accepted in principle but the proposed seminars and conferences need not necessarily be organised only by Central and State Governments, the teaching institutions and voluntary organisations may also be encouraged to organise them and ad hoc grants made to them for this purpose. Since these seminars and conferences cannot take the place of regularly organised training programmes, they should confine themselves to discussion of certain specified and previously well prepared subjects.

(5) Establishment of a Standing Committee to follow-up the implementation of the recommendations of the All India Jail Manual Committee (Para 104).

The work of follow up of the recommendations of the Committee can be done by the periodical conferences of Inspectors General of Prisons and any important recommendations which have to be pursued would be attended to by the Director, Central Bureau of Correctional Services.

(6) Establishment of a pool of experts and their deputation to the States for organisation of scientific classification procedure (Para 178(VIII)).

The organisation of such a pool of experts is not considered necessary nor would it be feasible with the strictly limited number of personnel available in the Correctional field. The Director, Central Bureau of Correctional Services himself or any one suggested by him can render the necessary assistance to the State Governments needing it. In time, the States would look to the Central Bureau of Correctional Services for guidance in almost all matters connected with correctional work.

(7) Institution of medals for meritorious work in the field of Correctional Services (Para 61(IV)).

सत्यमव जयन

For any meritorious service in the field of correction, recognition should be looked for either in the scientific or educational fields and there does not appear to be any need to institute separate medals for this purpose.

(8) Institution of an All India Correctional Services Cadre (Para 51(I)).

Correction, as a science, is only now being developed in India and the time does not seem ripe for considering an institution of an all India Cadre. However, in order to ensure proper standards of knowledge and integrity the standard of the service needs to be improved. Accordingly it is suggested that the Central Jail Superintendents should have the rank, qualifications, pay and emoluments not inferior to those of Class I Services of the State. It might also be advisable to recruit 50 percent of the District Jail Superintendents directly through the Public Service Commission as members of an irregular Class II service of the State.

(9) Development of a common pool of training staff and a common Training Manual (Paras 57 (III) and IV).

In view of the fact that there are already 4 institutions in the country in the correctional field and more and more such institutions are being developed in States and the fact that the subject is receiving attention in Universities and institutes like the Tata Institute of Social Sciences, the problems tackled or sought to be tackled in each such institution would vary and it would be difficult to have a unified training system or common training staff. But periodical seminars of training staff can be organised under the guidance of the Central Bureau of Correctional Services, which will provide adequate opportunity of exchanging ideas. The Bureau may be able to advise the States on the type and quality of training.

(10) Establishment of Research and Planning Units (Para 44(VI)).

The attachment of an evaluating research unit as suggested by the Committee is a sound proposition and may be accepted as a normal feature of correctional administration in all States and the State Governments may prepare specific research projects. The Central Bureau of Correctional Services may assist and advise the State Governments where necessary, after consulting the proposed expert Advisory Committee of Correctional Services. Any financial assistance in this regard is to be fitted into the Five Year Plans.

(11) Correctional Administration should be given due consideration in the Third Five Year Plan (Para 192).

Since three years of the Third Five Year Plan have already passed, the recommendations of the Committee may be kept in view while framing schemes for the Fourth Plan.

(12) Military Prisoners (Para 142).

The Committee have suggested that Military Prisoners sentenced to imprisonment by Courts-Martial may be segregated from the Civil prisoners and kept separately. It is not possible to establish military prisons at all places where the army is located and since military prisoners are only kept in civil jails till it is possible to make necessary arrangements to remove them, the present practice of allowing the military prisoners to remain in civil jails may continue.

PART II

(1) Classification of Prisoners (Paras 68-73 and 178-180).

Some of the States have at present the system of division of prisoners in three classes which certain others have only two divisions. The Committee have suggested only two divisions. It is, however, felt that the prisoners may be classified into three divisions. Moreover, in the present circumstances it might not be possible to do away with the class of political prisoners. Such prisoners should be kept separate from the normal convicts, but amongst themselves they could be sub-divided into three division on a basis similar to that for other convicts.

However, any scientific system of classification should be based upon a careful study of a number of factors including the prisoners background and response to institutional treatment. But any such system of classification can only be devised after a good deal of preparatory research work. It might be useful to undertake such experimental work in some of the selected jails, and it would be useful if the Central Bureau of Correctional Services is associated with such studies.

(2) Handcuffing and fettering of prisoners (Para 184). संयमन जनने

The existing practice under which the power for handcuffing the prisoners rests with the jailors and above, should continue and should not be exercised by all prison officers, as recommended by the Committee.

(3) Diet (Paras 185-190)

The diet-scales for prisoners recommended by the Committee may be adopted.

(4) Standard Statistical Forms (Para 44(IV)).

The Central Bureau of Correctional Services has already undertaken the work of prescribing standard statistical forms for collection of information relating to prisons and other correctional services.

(5) Children of Women Prisoners (Para 182)

The Committee's recommendation that the women offenders may be allowed to keep their children below 4 years of age with them in the jail, while children upto 7 years of age may be kept in a nursery which

might be annexed to the women's institutions and thereafter they could be sent to the Children's Homes may be accepted. Some State Governments have included schemes for such nurseries in their Third Five Year Plan; the other State Governments might consider the establishment of these nurseries.

PART III

The Committee have suggested various measures for reform in the prisons. These relate to accommodation and buildings, equipment, education work and employment, discipline, transfer of prisoners, etc. But since the needs and requirements of prisons and prisoners vary from State to State and from prison to prison, the State Government may develop their prisons according to their needs and the Central Bureau of Correctional Services may be consulted as frequently as possible for such guidance will itself be a factor towards achieving uniformity. The views of the Government of India on the recommendations in which the Committee felt that uniformity was necessary are given below:-

(1) Organisation of Departmental Headquarters (Paras 26-28).

The Committee had recommended that all Social Defence services should be coordinated and brought under the Home Departments at the Government level; and that services such as probation, care of children and after-care should be brought under the Inspector General of Prisons who would have a large headquarters establishment with experts for Industry, Health, Education, Agriculture, etc.

So far as the Committee's recommendation in regard to the bringing of Prison Department and the agency responsible for after-care, and probation under the Inspector General of Prisons is concerned, since the qualifications and experience necessary for these two branches of work are different, it would be appropriate to keep the two lines separate under the Inspector General. The eventual control at the Government level should appropriately be in the Home Department of the State Government.

As regard the Committee's recommendation that the Inspector General of Prisons should be an officer with knowledge and experience of Prison Administration, it is suggested that the Committee's recommendation may be accepted in principle but until a really expert cadre can be built up, some State Governments might find it necessary to post general administrators

as Inspectors General of Prisons, while this might continue to be done for some time, the objective should be to make this expert post available for promotion to the prison and correctional services.

As regards the Committee's recommendation for appointment of experts of Industry, etc., in the Inspector General's office it is felt that the better arrangement would be for each of these specialist departments to have a representative where necessary at the level of the jails. Such staff should thereafter receive technical guidance from their own senior levels in the State Government, e.g., the agricultural supervisor would receive technical guidance from the Directorate of Agriculture even if such an arrangement would ensure that the latest advances in each technical department are not lost to the officers dealing with jails.

(2) Diversification of Institutions
(Paras 29-31).

The Government of India agree with the recommendations of the Committee with regard to provision of different institutions for different types of prisoners for requirements of (a) security and (b) treatment although it would be possible to provide these diversified institutions only after a scientific system of classification has been worked out.

(3) Accommodation (Paras 36-40).

The Committee's recommendation in this regard are wholesome and may be adopted as a minimum standard to be achieved. The State Governments may also consider the possibility of providing play-grounds, schools, libraries, recreation centres. The availability of sufficient funds might be a limiting factor but phased programmes can be prepared by the State Government according to its own resources.

(4) Boards (Paras 41-42).

The Committee has inter alia, recommended the constitution of (i) State Advisory Board for Correctional Administration, (ii) Board of Visitors (iii) Review Board and (iv) Service Board.

The State Governments may set up the State Advisory Board for Correctional Administration under the Chairmanship of the Minister-in-charge of correctional services. The emphasis of this Board should be on the solution of practical difficulties

and it should be composed of representatives each of the departments concerned. Alongwith the Home Secretary and Inspector General of Prisons it may have the heads of technical departments such as Education, Health, Agriculture and Industries. It could also with advantage have a few competent technical experts if any such are available in the State or in the Universities.

The Boards of Visitors already exist and the Review Board can be the same as the Board of Visitors with the Superintendent of the Jail as the Secretary to both the Boards. While the functions of the former type of Boards are to attend to the requests of the inmates pertaining to their care and welfare and visits to the institutions periodically the functions of the latter Boards are to review the cases of inmates, evaluate their response to imprisonment, training and treatment and to recommend to Government about their conditional release, unconditional release, release on grounds of clemency etc.

The Service Boards need not be set up.

(5) Statistics and Research (Paras 43-44).

The Government of India agree with the recommendations of the Committee in regard to the maintenance and collection of suitable and adequate statistics pertaining to (a) inmates, (b) institutional activities and programmes, (c) industrial and agricultural production, (d) fiscal matters, and (e) personnel and establishment of a statistical branch of a Research and Planning Unit in the Head-quarters Office or in Staff Training Institution.

(6) Institutional Personnel (Paras 46-60).

The Government of India agree, in principle, to the following recommendations of the Committee:-

- i) The executive personnel should not be assigned clerical work;
- ii) The designation of Jailors and Assistant Jailors wherever it exists should be changed to Superintendents, Deputy Superintendents etc.
- iii) Minimum qualifications for each category of personnel should be laid down.
- iv) Satisfactory employment conditions should be provided to attract the right type of personnel, and

- v) Production and training programmes should be balanced.
- vi) Prisoners may be employed on (a) institutional services (b) Production of articles required for inmates and (c) nation-building activities.
- vii) The system of convict officers should be abolished etc.

(10) Vocational Training (Paras 88-90).

The recommendations of the Committee in this regard have been accepted and may be adopted.

(11) Cultural Activities (Paras 91-94).

The recommendations of the Committee with regard to provision of various cultural and recreational activities, such as, indoor and outdoor games, gymnastics, exhibition of social and educational films, music, dances, drama, arts and crafts, newspapers, periodicals and books etc. and the suggestion that the activities to be organised should be of a sufficiently wide range and variety suitable to the different inmates or inmate groups and in accordance with the facilities, local conditions and requirements of security and discipline, have been accepted, in principle.

(12) Appeals and petitions (Para 95).

The Government of India support the following recommendations of the Committee :-

- i) All communications addressed by a prisoner who is a member of a State Legislature or Parliament, to the Speaker or Chairman of the House of which he is a member or to the Chairman of a Committee should be immediately forwarded by the Superintendent to the Government, so as to be dealt with by them in accordance with the rights and privileges of the members of the Legislature/ Parliament.
- ii) Statutory provision should be made for the supply of two copies of the judgement in all cases of prisoners sentenced to imprisonment of six months and more.

v) Pre-service educational programmes should be developed to train persons who can take up correctional service.

So far as Committee's recommendations with regard to training of staff are concerned, it would be expensive and impractical to establish a training institution in every State but zonal training schools catering to several States may be organised.

(7) Equipment (Para 74)

The Committee's recommendations with regard to provision of various articles of daily use to prisoners, clothing and bedding have been accepted and may be adopted as the standard minimum requirements of prisoners.

(8) Education (Para 84)

The recommendations of the Committee in this regard have been accepted but there should be a scientific classification of inmates and the diversification of institutions to assist in the rehabilitation of inmates. The prison training should be such that after their release the prisoner may profit by the education received and the educational training programme should be adjusted and modified to the needs of the individual.

(9) Work and Employment (Paras 85-87).

The Committee's recommendations in this regard, which in brief are as under, have been accepted and may be adopted:-

- i) Work should not be treated as an additional aspect of punishment of prisoners; but it should be treated as an important avenue of imparting useful values to inmates for their vocational and social adjustment and ultimate rehabilitation in the free community.
- ii) Prison labour should be performed under conditions and in an environment which will stimulate industrious habits and positive interest in work.
- iii) The interests of prisoners must not be subordinate to making financial profit from industry.
- iv) Prison labour should not be hired to private employers.

(13) After-care and Rehabilitation
(Paras 118-121).

The following recommendations of the Committee in this regard are sound and are recommended for adoption :-

- i) there should be a State after-care organisation in each State and it should be an integral part of correctional administration;
- ii) planning for after-care should begin soon after an inmate's admission in the institution;
- iii) The after-care work should be phased as :-
 - a) Planning while under care and training,
 - b) Assistance at the time of release, and
 - c) Care and help during the post-release period.

These recommendations are in line with the modern conception of after-care which makes it an integral part of prison treatment by starting the after-care service while the sentence is still being undergone with a view to completing the rehabilitation of the prisoner by the time his sentence expires. If this could be achieved, there would be little extra expenditure and in some ways it may be cheaper since it is generally cheaper to keep the prisoner outside rather than inside the prison. After-care service would, therefore, become a complementary part of the agency meant for the execution of the sentences and very close liaison between the after-care service and the jail staff should be built up.

The main difficulty in implementation of the recommendation in this regard is likely to be the absence of necessary agencies. In some of the States and in some prisons Welfare Officers have already been appointed and the problems must be tackled mainly by Governmental agencies. Since after-care institutions would require to give a certain amount of freedom to a prisoner, there would be some risk of the prisoner escaping. It may not therefore, be proper to extend such an after-care services to non-Governmental organisations. Parole Hostels organised by the State Governments are at present functioning in several States and this scheme may be intensified.

(14) Undertrial Prisoners (Paras 123-127).

The Committee's recommendations with regard to establishment of separate institutions for undertrials, and provision of more facilities in them and the quick disposal of their cases have been accepted and may be adopted.

(15) Women Offenders (Paras 123-131).

The Committee's recommendations with regard to detention of women prisoners in separate jails, where the daily average exceeds 50, or in completely detached annexes with separate entrance and security measures; segregation of habituals, prostitutes and brothel-keepers from other women offenders, provision of adequate women staff for attending to women; review and possibilities of release of certain categories of women offenders on probation of a more extensive scale than at present etc. have been accepted and may be considered for implementation.

(16) Delinquent Children and adolescent offenders (Paras 132-135).

The Committee's recommendation with regard to the establishment of Child Welfare divisions by Municipal Authorities and Juvenile Bureau by Police Administration, organisation of Attendance Centres, application of the Borstal Act and extensive use of probation etc. have been accepted. So far as its recommendation with regard to adoption of the Model Children Bill is concerned, the Children Bill adopted in the Union Territories has already been forwarded to the State Governments.

With regard to the adolescent offenders, the Committee's suggestions in regard to extensive use of probation, establishment of Reception Centres, classification according to training needs and the provision of adequate educational and technical staff may also be considered, if necessary and unavoidable for adoption.

(17) Habitual Offenders (Paras 144-146).

The Government of India support the recommendation of the Committee with regard to segregation of habitual offenders but they should not be sent to cells and should be kept in dormitories. They may be scientifically studied and classified. There should, however, be no discrimination with regard to grant of remissions. The quantum of remission should be adjusted in progressive stages so that little or no remission may be granted in the earlier period of

such a prisoner's imprisonment; remission should be gradually increased in later periods depending upon the prisoners' response to corrective treatment.

(18) Lunatics (Paras 154-155)

Because of general dearth of Mental Hospitals in the country, prisons are being used for the accommodation of criminal and non-criminal lunatics. The Committee's recommendation for the establishment of annexes for observation of criminal and non-criminal lunatics in District hospitals, provision of more accommodation in mental hospitals and separate institutions for prisoners suffering from mental disorder may be adopted to the extent possible. It is further suggested that some of the prisons might specialise in the treatment of mental cases.

(19) Sub-Jails (Paras 157-159).

The Committee's recommendations with regard to classification of sub-jails in 'A' and 'B', provision of Board of Visitors and facilities for prisoners have been accepted and are commended for adoption.

PART IV

Legislation: The Committee's suggestion with regard to amendment of the Prisons Act, 1894 (Para 167), Prisoners Act, 1900 (Para 168), Transfer of Prisoners Act, 1950 (Para 169), Indian Lunacy Act, 1912 (Para 170), Cr.P.C. and I.P.C. (Para 166), Borstal Schools Act (Para 135 (VII) etc. require examination in consultation with the legal experts and Government of India's views in the matter would be communicated to the State Governments in due course. Similarly, the Committee's recommendations with regard to grant of remissions to prisoners (Para 160 (VI) alternative's for short-term sentences (Para 181) release of prisoners on parole (Paras 101-104) execution of sentences (Paras 96-98), review of sentences (Para 112-114) preparation of a model bill in respect of adolescent offenders (Paras 135 (VIII) & 173) and open prisons (Paras 160-163) require examination in greater detail in consultation with the Ministry of Law and the State Governments would be informed of the decision taken in the matter in due course.

It is requested that the above recommendations of this Committee may be considered for implementation, with such modifications as the State Government may consider necessary or unavoidable. The Model Prison Manual may be accepted broadly as a book of guidance and a Manual may be drafted for the State or changes may be made in the existing Manuals on the basis of such of the recommendations as are considered feasible.

Yours faithfully,

Sd/-

(M. Sivagnanam)
DEPUTY SECRETARY TO THE GOVT. OF INDIA.

No. 5/3/60-P. IV New Delhi-11, the 18th May, 1964.
23th Vaisakha, 1986.

Copy to all Union Territories for information and necessary action.

Sd/-

(M. Sivagnanam)
Deputy Secretary to the Govt. of India.

सत्यमेव जयते

APPENDIX VI

No. F.2/17/70-GPA.II
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

To

All States and UTs.

New Delhi -1, the 31st July, 1970.
9 Sravana, 1892.

Subject:- Rehabilitation of ex-convicts released
from jails - question of making them eli-
gible for appointment under Government.

Sir,

I am to refer to this Ministry's Memorandum
No. F.2/11/56-Est.B dated 1.12.1956 (copy enclosed)
on the subject mentioned above and to say that the
All India Seminar on Correctional Services held in
New Delhi in March 1969 deliberated on the problems
of rehabilitation of ex-convicts in society and re-
emphasised the question of their employment on their
release from jails and recommended that necessary
steps should be taken to remove the disabilities in
the matter of employment of discharged prisoners.

2. This aspect of the matter has been stressed in
the Probation of Offenders Act, 1958 and Acts of
several States pertaining to children and adolescent
convicts as will be seen from the enclosed extracts.

3. I am to request that the State Government may
kindly consider the desirability of taking suitable
steps so that the ex-convicts do not suffer any dis-
abilities and find employment on their merits on
release from jail.

Yours faithfully,

Sd/-

(T. V. RAMANAN)
DEPUTY SECRETARY TO THE GOVT. OF INDIA.

Copy of Office Memorandum No. F.2/11/56-Est.B dated the 1st December, 1956 from Shri K.N. Subbanna Deputy Secretary to the Government of India, Ministry of Home Affairs, New Delhi-1 addressed to All Ministries of the Government of India.

Subject:- Rehabilitation of ex-convicts on release from Jail - Question of making them eligible for appointment under Government.

The undersigned is directed to refer to para 2(a) of the late Home Department's Office Memorandum No. 20/58/45-Ests(S) dated the 7th February, 1947 wherein it was laid down that persons convicted of offences involving moral turpitude should be deemed in-eligible for appointment under the Central Government. The Question of rehabilitation of ex-convicts, on release from jail, was examined by this Ministry recently and in that connection, it was suggested that a measure of discretion should be given to the appointing authorities even in case where moral turpitude is involved. It has accordingly been decided that while normally a person convicted of an offence involving moral turpitude should be regarded as in-eligible for Government Service, in cases where the appointing authorities feel that there are redeeming features and reasons to believe that such a person has cured himself of the weakness specified approval of Government should be obtained to his employment.

Extract of Probation of Offenders Act, 1958 etc.

The Probation of Offenders Act, 1958 which is a Central Act provides for the "Removal of disqualification attaching to conviction". Section 12 of this Act reads "Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of Sec. 3 or Sec. 4 should not suffer disqualification, if any, attaching to a conviction of an offence under such law.

Provided that nothing in this section shall apply to a person who after his release under Sec. 4, is subsequently sentenced for the original offence".

The Children Acts of different States also have similar provisions. Section 25 of the Children Act, 1960 reads "Notwithstanding anything contained in any other law, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such law."

Similarly the Borstal Schools Acts of various States have also such provisions. Section 22 of the Madras Borstal Schools Act, 1925 reads "The conviction of an adolescent shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence."



सत्यमेव जयते



सत्यमेव जयते